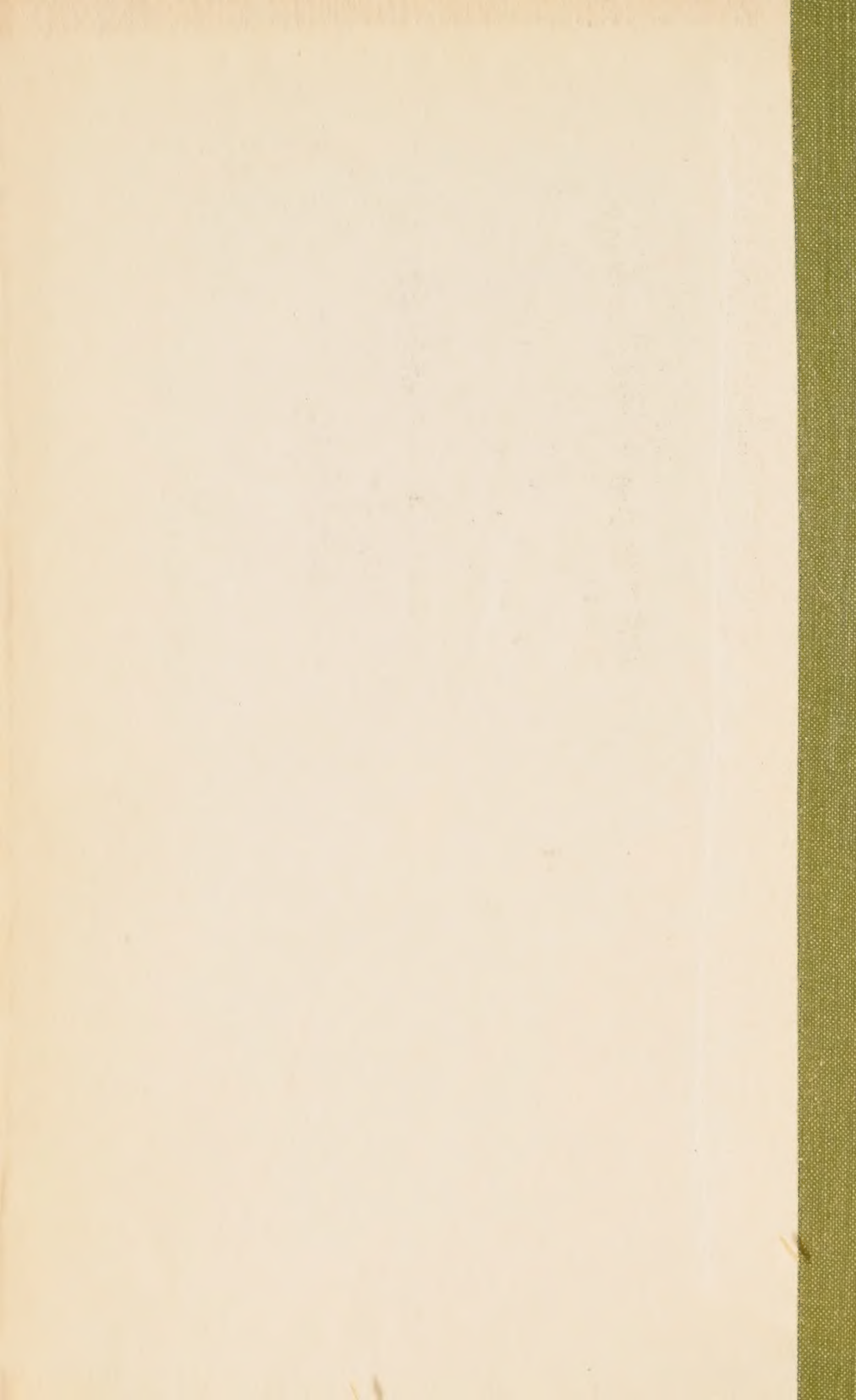



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Statutes
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Ontario Statutes

THE

REVISED STATUTES

OF

ONTARIO 1887,

BEING A

CONSOLIDATION OF THE REVISED STATUTES OF ONTARIO,
1877, WITH THE SUBSEQUENT PUBLIC
GENERAL ACTS OF THE

LEGISLATURE OF ONTARIO.

VOL. II.

13618



Toronto:

PRINTED BY JOHN NOTMAN,

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ADDENDA ET CORRIGENDA.

PAGE.

- 6. Clause 23.—The reference should be, "R. S. O. 1877, c. 142, s. 55."
- 105. Section 38.—The reference should be, "R. S. O. 1877, c. 10, s. 39."
- 211. Section 61.—The reference should be, "R. S. O. 1877, c. 12, s. 58."
- 281. Section 2 (2).—The reference should be, "50 V. c. 4, s. 3."
- 293. Section 29.—The reference should be, "50 V. c. 8 Schedule (2)."
- 316. Section 10.—The reference should be, "R. S. O. 1877, c. 26, s. 9."
- 447. Section 3 (6).—Add the following reference, "c. 40, s. 5."
- 453. Section 30.—Omit reference to "c. 112, s. 47."
- 580. Section 175. Omit reference to "c. 50, s. 319."
- 725. Section 2. For "c. 80, s. 1 *part*," read, "c. 80, ss. 1 *part* 6."
- 836. Section 12 (4).—Add the following reference, "48 V. c. 18, s. 2 *part*."
- 849. Section 49, last line.—For "referred to in the said Act," read, "referred to in the said chapter 84."
- 854. Item 33.—The reference should be, "R. S. O. 1877, c. 86, schedule sheriff; 45 V. c. 11, s. 13."
- 885. Section 62.—The reference should be, "43 V. c. 12, s. 12 (1, 3, 5); 48 V. c. 20, s. 6(4)."
- 891. Section 81.—The reference should be, "R. S. O. 1877, c. 7, s. 14; c. 90, ss. 5, 57."
- 1095. Section 24 (2).—The reference should be, "48 V. c. 22, s. 22."
- 1143. Rule 60 (1), in line 3.—For "section 96," read, "section 97."
- 1221. Section 19.—Omit from reference "47 V. c. 18, ss. 2, 3."
- 1278. Section 10.—The reference should be, "R. S. O. 1877, c. 132, s. 1; 44 V. c. 16, ss. 1, 3."
- 1279. Section 12.—The reference should be, "R. S. O. 1877, c. 132, s. 3; 44 V. c. 16, s. 2."
- 1302. Section 14.—Add reference to "49 V. c. 28, s. 14."
- 1410. Section 57.—The reference should be, "50 V. c. 25, s. 57."
- 1614. Line 2.—For "registrar," read, "register."
- 1847. Section 293, clause 3.—The reference should be, "49 V. c. 37, s. 5."
- 2142. Section 190.—The reference should be, "R. S. O. 1877, c. 180, s. 157."
- 2147. Section 206.—Add reference to "46 V. c. 18, s. 24."
- 2156. Schedule "B".—In reference for "45 V. c. 32, s. 2," read, "42 V. c. 32 s. 1; 44 V. c. 4, s. 1; c. 25, s. 1."
- 2274. Section 65.—The reference should be, "50 V. c. 34, s. 5."
- 2351. Section 5.—The reference should be, "R. S. O. 1877, c. 196, s. 5."
- 2406. Section 82 (4).—The reference should be, "48 V. c. 49, s. 82 (4, 5)."
- 2501. Section 6.—Add reference to "50 V. c. 42, s. 6."
- 2587. Section 5.—Add reference to "46 V. c. 18, s. 478."

The word "new" at the end of a section indicates that the section appeared in the Draft Revised Statutes submitted to the Legislature and adopted by the Act 50 Victoria, cap. 2, but that it was not separately enacted.



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CHAPTER 156.

An Act containing General Provisions applicable to Joint Stock Companies incorporated by Special Act for certain purposes.

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| INTERPRETATION, ss. 2-3. | CONTRACTS, ETC., OF COMPANY, HOW TO BE EXECUTED, s. 33. |
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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as “ *The Ontario Joint Stock Companies General Clauses Act.*” R. S. O. 1877, c. 149, s. 1. Short title.

Meaning of expression "Special Act." 2. The expression "The Special Act," when used in this Act, shall be construed to mean any Act incorporating a company for any of the purposes herein mentioned, and with which this Act is incorporated, in manner hereinafter mentioned,—and also all Acts amending such Act. R. S. O. 1877, c. 149, s. 2.

Interpretation. 3. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears :

"The company." 1. "The Company" shall mean the company incorporated by the special Act ;

"The undertaking." 2. "The undertaking" shall mean the whole of the works and business of whatever kind, which the company is authorized to undertake and carry on ;

"Real Estate." "Land." 3. "Real estate" or "land," shall include all real estate, messuages, lands, tenements and hereditaments, of any tenure ;

"Shareholder." 4. "Shareholder" shall mean every subscriber to or holder of stock in the company, and shall extend to and include the personal representatives of the shareholder. R. S. O. 1877, c. 149, s. 3.

To what companies this Act shall apply. 4. When not otherwise expressly enacted, this Act shall apply to every joint stock company, subject to the legislative authority of the Legislature of this Province, and incorporated by any special Act passed since the 18th day of May, 1861, or hereafter, for any of the following purposes :

Manufacturing. 1. The carrying on of any kind of manufacturing, ship-building, mining, mechanical or chemical business ;

Buildings for certain purposes. 2. The erection and maintenance of any building or buildings to be used in whole or part as a mechanics institute, or public reading or lecture room, or as a place for holding agricultural or horticultural fairs or exhibitions, or as a place for educational, library, scientific or religious purposes, or as a public hotel, or as a place for baths and bath-houses ;

Mineral Springs. 3. The opening and using of petroleum, salt or mineral springs ;

Fisheries. 4. The carrying on of any fishery or fisheries in this Province, or the waters thereto adjacent, and the building and equipping of vessels required for such fishery or fisheries ;

Forwarding. 5. The carrying on of any general forwarding business, and the construction, owning, chartering or leasing of ships, steam-boats, wharves, roads, or other property required for the purpose of such forwarding business ;

Gas or water. 6. The supplying of any place with gas or water, or with both gas and water ;

Telegraphs. 7. The constructing of any line or lines of telegraph ;

8. The acquiring or constructing, and maintaining of any dam, slide, pier, boom or other work necessary to facilitate the transmission of timber down any river or stream in this Province, and the blasting of rocks, the dredging or removing of shoals or other impediments, or the improving otherwise of the navigation of such streams for such purpose;

Works for transmission of timber.

9. The acquiring or constructing, and maintaining, of any plank, macadamized or gravelled road, or of any bridge, pier, wharf, dry dock, or marine railway;

Roads, piers, etc.

and this Act shall be deemed to be incorporated with every such special Act; and all the clauses and provisions of this Act unless they are expressly varied or excepted by the special Act, shall apply to the company thereby chartered, so far as applicable thereto, and shall, as well as the clauses and provisions of every other Act incorporated with the special Act, form part of the special Act, and be construed together therewith as forming one Act. R. S. O. 1877, c. 149, s. 4.

This Act to be incorporated with special Acts incorporating companies for the above purposes.

5. For the purpose of incorporating this Act, or any of its provisions with a special Act incorporating a company for purposes other than aforesaid it shall be sufficient in the special Act, to enact that the clauses of this Act, or such of them as in such Act may be particularly designated to that end, shall be incorporated with the special Act; and thereupon, all such clauses, save in so far as they are expressly varied or excepted by the special Act, shall be construed as if the same were formally embodied and reproduced therein. R. S. O. 1877, c. 149, s. 5.

How incorporated with Acts for other purposes.

6. Every company incorporated for any of the above purposes, under a special Act, shall be a body corporate under the name declared in the special Act, and may acquire, hold, alienate and convey, any real estate necessary or requisite for the carrying on of the undertaking of such company and shall be invested with all the powers, privileges and immunities necessary to carry into effect the intentions and objects of this Act and of the special Act, and which are incident to such corporation, or expressed or included in *The Interpretation Act*. R. S. O. 1877, c. 149, s. 6.

General corporate powers of every such company.

7. All powers given by the special Act to the company shall be exercised subject to the provisions and restrictions contained in this Act. R. S. O. 1877 c. 149, s. 7.

Powers under Special Act to be subject to this Act.

8. The affairs of every such company shall be managed by a board of not less than three, nor more than nine directors. R. S. O. 1877, c. 149, s. 8.

Board of directors.

9. The persons named as such in the special Act, shall be the directors of the company, until replaced by others duly named in their stead. R. S. O. 1877, c. 149, s. 9.

First directors.

Qualification
of directors.

10. No person shall be elected or named as a director there-after, unless he is a shareholder, owning stock absolutely in his own right and not in arrear in respect of any call thereon; and the major part of the after directors of the company shall, further, at all times, be persons resident in this Province, and subjects of Her Majesty by birth or naturalization. R. S. O. 1877, c. 149, s. 10.

Election of
directors.

11. The after directors of the company shall be elected by the shareholders, in general meeting of the company assembled, at such times, in such wise, and for such term, not exceeding two years, as the special Act, or, in default thereof, the by-laws of the company, may prescribe. R. S. O. 1877, c. 149, s. 11.

As to elections
when not
otherwise pro-
vided for.

12. In default only of other express provisions in such be- half, by the special Act or by-laws of the company,—

1. The election shall take place yearly, all the members of the board retiring, and (if otherwise qualified) being eligible for re-election;

2. Notice of the time and place for holding general meet- ings of the company shall be given at least ten days previously thereto, in some newspaper published at or as near as may be to the place in which the office or chief place of business of the company is;

3. At all general meetings of the company, every share- holder shall be entitled to as many votes as he owns shares in the company, and may vote by proxy;

4. Elections of directors shall be by ballot;

5. Vacancies occurring in the board of directors may be filled for the unexpired remainder of the term, by the board, from among the qualified shareholders of the company;

6. The directors shall from time to time elect from among themselves a president of the company; and shall also name, and may remove at pleasure, all other officers thereof. R. S. O. 1877, c. 149, s. 12.

Provision in
case of failure,
of election.

13. If at any time an election of directors is not made or does not take effect at the proper time, the company shall not be held to be thereby dissolved; but the election may take place at any general meeting of the company duly called for that purpose; and the retiring directors shall continue in office until their successors are elected. R. S. O. 1877, c. 149, s. 13.

Powers of
directors.

14. The directors of the company shall have full power in all things to administer the affairs of the company, and may make or cause to be made for the company any description of contract which the company may by law enter into. R. S. O. 1877, c. 149, s. 14.

15. The directors may from time to time make by-laws ^{By-laws for} not contrary to law, or to the special Act, or to this Act, to ^{divers} regulate— ^{purposes.}

(a) The allotment of stock, the making of calls thereon, the ^{Stock.} payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock;

(b) The declaration and payment of dividends; ^{Dividends.}

(c) The number of directors, their term of service, the ^{Directors.} amount of their stock qualification;

(d) The appointment, functions, duties and removal of all ^{Officers.} agents, officers and servants of the company, the security to be given by them to the company, their remuneration and that (if any) of the directors;

(e) The time at which and place where the annual meetings ^{Annual} of the company shall be held; ^{meetings.}

(f) The calling of meetings, regular and special, of the board ^{Procedure.} of directors, and of the company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings;

(g) The imposition and recovery of all penalties and forfei- ^{Penalties.} tures admitting of regulation by by-law; and

(h) The conduct in all other particulars of the affairs of the ^{Miscellaneous.} company;

and may from time to time repeal, amend or re-enact the ^{By-laws to be} same; but every such by-law, and every repeal, amendment or ^{continued.} re-enactment thereof, unless in the meantime confirmed at a general meeting of the company duly called for that purpose, shall only have force until the next annual meeting of the company, and in default of confirmation thereat, shall, at and from that time only, cease to have force. R. S. O. 1877, c. 149, s. 15.

16. A copy of any by-law of the company, under its seal, ^{Proof of by-} and purporting to be signed by any officer of the company, ^{laws.} shall be received as *prima facie* evidence of the by-law in all Courts in this Province. R. S. O. 1877, c. 149, s. 16.

17. One-fourth part in value of the shareholders of the ^{Calling special} company shall at all times have the right to call a special ^{meetings.} meeting thereof, for the transaction of any business specified in such written requisition and in the notice calling the meeting. R. S. O. 1877, c. 149, s. 17.

18. The stock of the company shall be deemed personal ^{Stock to be} estate, and shall be transferable, in such manner only, and ^{personalty.}

Transfer. subject to all such conditions and restrictions as by this Act, or by the special Act or by-laws of the company, may be prescribed. R. S. O. 1877, c. 149, s. 18.

Allotting stock.

19. If the special Act makes no other definite provision, the stock of the company shall be allotted, when and as the directors, by by-law or otherwise, may ordain. R. S. O. 1877, c. 149, s. 19.

Calling in instalments.

20. The directors of the company may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such times and places, and in such payments or instalments, as the special Act, or as this Act may require or allow; and interest shall accrue and fall due, at the legal rate for the time being, upon the amount of any unpaid call, from the day appointed for payment of such call. R. S. O. 1877, c. 149, s. 20.

Ten per cent. at least to be called in yearly.

21. Not less than ten per centum upon the allotted stock of the company shall, by means of one or more calls, be called in and made payable within one year from the incorporation of the company; and the residue when and as the by-laws of the company enact. R. S. O. 1877, c. 141, s. 21.

Action for calls; what only need to be alleged and proved.

22. The company may enforce payment of all calls and interest thereon, by action in any Court of competent jurisdiction; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to state that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action has accrued to the company under this Act; and a certificate under the seal, and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all Courts as *prima facie* evidence to that effect. R. S. O. 1877, c. 149, s. 22.

Forfeiture for non-payment.

23. If, after such demand or notice as by the special Act or by-laws of the company is prescribed, any call made upon any share or shares is not paid within such time as by the special Act or by-laws is limited in that behalf, the directors, in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the company, and may be disposed of as by by-laws or otherwise it may ordain. R. S. O. 1877, c. 149, s. 23.

Forfeited shares to belong to the company.

24. No share shall be transferable, until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon. R. S. O. 1877, c. 149, s. 24.

Calls must be paid before transfer.

25. No shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the company. R. S. O. 1877, c. 149, s. 25.

Shareholders in arrear not to vote.

26. The company shall cause a book or books to be kept by the secretary, or by some other officer specially charged with that duty, wherein shall be kept recorded—

Books to be kept by the company.

1. The names, alphabetically arranged, of all persons who are or have been shareholders;

What to contain.

2. The address and calling of every such person, while such shareholder;

3. The number of shares of stock, held by each shareholder;

4. The amounts paid in, and remaining unpaid, respectively, on the stock of each shareholder;

5. All transfers of stock, in their order as presented to the company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and—

6. The names, addresses and calling, of all persons who are or have been directors of the company; with the several dates at which each person became or ceased to be such director. R. S. O. 1877, c. 149, s. 26.

27. The directors may refuse to allow the entry in any such book, of any transfer of stock whereof the whole amount has not been paid in; and whenever entry is made in such book, of any transfer of stock not fully paid in, to a person not being of apparently sufficient means, the directors, jointly and severally, shall be liable to the creditors of the company, in the same manner and to the same extent as the transferring shareholder, but for such entry, would have been; but if any director present when such entry is allowed, forthwith, or if any director then absent, within twenty-four hours after he has become aware thereof and able so to do, enters in the minute book of the board of directors his protest against the same, and within eight days thereafter causes such protest to be published in at least one newspaper published at, or as near as may be possible to, the office or chief place of business of the company, such director may thereby, and not otherwise, exonerate himself from such liability. R. S. O. 1877, c. 149, s. 27.

Directors may disallow transfer of stock in certain cases.

Their liability if they allow transfers to persons without means.

How director may exonerate himself.

28. No transfer of stock, unless made by sale under execution, or under the order or judgment of some competent Court in that behalf, shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto

Effect of transfer of stock on rights of parties.

towards each other, and, as rendering the transferee liable *ad interim* jointly and severally with the transferor to the company and its creditors, until entry thereof has been duly made in the books of the company. 48 V. c. 33, s. 4.

Books to be open to shareholders and creditors of company.

29. Such books shall, during reasonable business hours of every day, except Sundays and statutory holidays, be kept open for the inspection of shareholders and creditors of the company, and their personal representatives, at the office or chief place of business of the company; and every such shareholder, creditor or representative may make extracts therefrom. R. S. O. 1877, c. 149, s. 29.

Effect as evidence.

30. Such books shall be *prima facie* evidence, of all facts purporting to be thereby stated, in any action or proceeding against the company or against any shareholder. R. S. O. 1877, c. 149, s. 30.

Forfeiture of rights for not keeping books.

31. Every company neglecting to keep such book or books open for inspection as aforesaid, shall forfeit its corporate rights. R. S. O. 1877, c. 149, s. 31.

Company not bound to see to execution of trusts on shares.

32. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the shareholder in whose name the same stand in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such shares, and whether or not notice of the trust has been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt. R. S. O. 1877, c. 149, s. 32.

Contracts, bills, notes, etc., by the Company, how to be executed.

33.—(1) Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the company, by any agent, officer or servant of the company, in general accordance with his powers as such under the by-laws of the company, shall be binding upon the company; and in no case shall it be necessary to have the seal of the company affixed to such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law, or special vote or order; nor shall the party so acting as agent, officer or servant of the company, be thereby subjected individually to any liability whatsoever to any third party, therefor.

Proviso.

(2) Nothing in this section shall be construed to authorize the company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank. R. S. O. 1877, c. 149, s. 33.

34. No company shall use any of its funds in the purchase of stock in any other corporation, unless in so far as such purchase is specially authorized by the special Act, and also by the Act creating such other corporation. R. S. O. 1877, c. 149, s. 34. As to holding stock in other corporations.

35. Every shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the company, to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor, before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution, but not beyond the amount so unpaid of his said stock, shall be the amount recoverable with costs, against such shareholder. 48 V. c. 33, s. 2. Liability of shareholders.

36. A shareholder may plead, by way of defence in whole or in part, any set off which he could set up against the company, except a claim for unpaid dividends, or a salary or allowance as a president or a director of the said company. 48 V. c. 33, s. 3. Set off.

37. The shareholders of the company shall not as such be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the unpaid amount of their respective shares in the capital stock thereof. 48 V. c. 33, s. 8. Shareholders not liable beyond amount of their stock.

38. No person holding stock in the company as executor, administrator, guardian or trustee, shall be personally subject to liability as a shareholder, but the estates and funds in the hands of such person shall be liable in like manner and to the same extent as the testator or intestate, or the minor, ward, or person interested in the trust fund would be, if living and competent to act, and holding such stock in his own name. 48 V. c. 33, s. 5. Liability of trustees.

39. No person holding stock in the company as collateral security shall be personally subject to liability as a shareholder, but the person pledging the stock as such collateral security shall be considered as holding the same, and shall be liable as a shareholder in respect thereof. 48 V. c. 33, s. 6. Liability in respect of stock held as collateral security.

40. Unless the special or general Act by or under which the company is incorporated expressly provides otherwise, sections 28, 35, 36, 37, 38 and 39, shall apply to all joint stock companies incorporated by the Legislature of this Province, or under its authority, and to all such companies incorporated prior to the 1st day of July, 1867, whose incorporation is subject in the particulars in the said sections mentioned to the legislative authority of this Province. 48 V. c. 33, s. 1. Application of ss. 28 and 35-39.

Voting on
such stock.

41. Every executor, administrator, guardian or trustee, shall represent the stock in his hands, at all meetings of the company, and may vote accordingly as a shareholder; and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder. R. S. O. 1877, c. 149, s. 38. *See* Cap. 157, s. 65.

Liability of
directors to
servants
of company.

42. The directors of the company shall be jointly and severally liable to the labourers, servants and apprentices of the company, for all debts not exceeding one year's wages, due for service performed to the company whilst they are such directors respectively; but no director shall be liable unless the company has been sued therefor within one year after the same became exigible, nor yet unless such director is sued therefor within one year thereafter, nor yet before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs, against the directors. R. S. O. 1877, c. 149, s. 39.

Penalty for
paying divi-
dends when
company is
insolvent, etc.

43.—(1) If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable, as well to the company as to the individual shareholders and creditors thereof, for all the debts of the company then existing, and for all thereafter contracted during their continuance in office, respectively.

How a direc-
tor may ex-
onerate him-
self.

(2) If any director present when such dividend is declared, forthwith, or if any director then absent, within twenty-four hours after he has become aware thereof and able so to do, enters on the minutes of the board of directors his protest against the same, and within eight days thereafter causes such protest to be published in at least one newspaper published in, or as near as may be possible to the place where the office or chief place of business of the company is, such director may thereby, and not otherwise, exonerate himself from liability. R. S. O. 1877, c. 149, s. 40.

Penalty for
lending com-
pany's money
to shareholder.

44. No loan shall be made by the company to any shareholder, and if such loan is made, all directors and other officers of the company making the same, or in anywise assenting thereto, shall be jointly and severally liable to the company for the amount thereof,—and also to third parties, to the extent of such loan with legal interest, for all the debts of the company contracted from the time of the making of such loan to that of the repayment thereof. R. S. O. 1877, c. 149, s. 41.

CHAPTER 157.

An Act respecting the incorporation of Joint Stock Companies by Letters Patent.

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| Powers, ss. 36-38. | WINDING-UP ACTS TO APPLY, s. 79. |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "*The Ontario Joint Stock Companies' Letters Patent Act.*" R. S. O. 1877, c. 150, s. 1.

2. Where the words following occur in this Act, and in all letters patent and supplementary letters patent issued under the same, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears: Interpretation.

- “The letters patent;” 1. “The letters patent” shall mean the letters patent incorporating a company for any purpose contemplated by this Act;
- “The supplementary letters patent;” 2. “The supplementary letters patent” shall mean any letters patent granted to the company subsequent to the letters patent incorporating the company;
- “The Company;” 3. “The company” shall mean the company so incorporated by letters patent;
- “The undertaking;” 4. “The undertaking” shall mean the whole of the works and business of every kind, which the company is authorized to carry on;
- “Real estate,” “Land;” 5. “Real estate” or “land” shall include all immovable real property of every kind;
- “Shareholder.” 6. “Shareholder” shall mean every subscriber to, or holder of stock in the company, and extend to, and include the personal representatives of the shareholder. R. S. O. 1877, c. 150, s. 2.

Certain powers, etc., may be granted by letters patent to companies incorporated under Imperial Statutes.

3.—(1) In case a corporation, now or hereafter incorporated under the laws of the Imperial Parliament of Great Britain and Ireland, desires to carry on any of its business within the Province of Ontario, the Lieutenant-Governor in Council may, by letters patent under the Great Seal of the Province, grant to such company, and such company may thenceforth use, exercise, and enjoy within the Province, any powers, privileges and rights set forth in the letters patent, as desired in or for carrying on the business of the company, and which it is with in the authority of the Lieutenant-Governor in Council to grant to a company under this Act.

Copy of Act or other instrument of incorporation to be deposited with Provincial Secretary.

(2) No such letters patent shall be issued until such corporation has deposited in the office of the Provincial Secretary a true copy of the Act of Parliament, charter or other instrument incorporating the said company, verified in the manner which may be satisfactory to the Lieutenant-Governor in Council.

Evidence of incorporation.

(3) The letters patent referring to such Act, charter or other instrument as aforesaid, or a copy of such Act, charter or other instrument aforesaid certified under the hand of the Provincial Secretary, shall be sufficient evidence, in any proceeding in any Court in this Province, of the incorporation of the company.

Matters provided for by Rev. Stat. c. 168 excepted.

(4) This section shall not apply to matters provided for by chapter 168 of these Revised Statutes. 43 V. c. 19, ss. 1-4.

Companies formed for certain purposes may be incorporated by letters patent.

4 The Lieutenant-Governor in Council may, by letters patent under the Great Seal, grant a charter to any number of persons, not less than five, who shall petition therefor, constituting such persons and others who may become shareholders in the company thereby created, a body corporate and politic,

for any purposes or objects to which the legislative authority of the Legislature of Ontario extends, except the construction and working of railways, and the business of insurance other than as provided by section 4 of *The Ontario Insurance Act*. R. S. O. 1877, c. 150, s. 3. Rev. Stat. c. 167, s. 4.

5. The name of the Province of Ontario or of some locality therein shall constitute part of the name of every company incorporated under this Act, except in cases where the Lieutenant-Governor in Council otherwise directs. 44 V. c. 18, s. 2; 48 V. c. 32, s. 1. Provision respecting name of companies.

6. The applicants for the letters patent must for at least four consecutive weeks give notice in the *Ontario Gazette*, of their intention to apply for the same, stating therein:— Notice to be given in the *Ontario Gazette*, and what it shall contain.

(a) The proposed corporate name of the company, which shall not be that of any other known company, incorporated or unincorporated, or any name liable to be unfairly confounded therewith, or otherwise on public grounds objectionable;

(b) The object for which incorporation is sought;

(c) The place or places within the Province of Ontario, where its operations are to be carried on, with special mention if there be two or more such places, of some one of them as the chief place of business;

(d) The amount of capital stock;

(e) The number of shares and amount of each share;

(f) The names in full and the address and calling of each of the applicants, with special mention of the names of not less than three of their number, who are to be the first directors of the company. R. S. O. 1877, c. 150, s. 4.

7.—(1) At any time, not more than one month after the last publication of the notice, the applicants may petition the Lieutenant-Governor, through the Provincial Secretary, for the issue of the letters patent. Petition for letters patent.

(2) The petition must state the facts required to be set forth in the notice, and must further state the amount of stock taken by each applicant, and also the amount, if any, paid in upon the stock of each applicant.

(3) The petition must also state whether the amount is paid in cash or by transfer of property, or how otherwise.

(4) In case the petition is not signed by all the shareholders whose names are proposed to be inserted in the letters patent, it shall be accompanied by a memorandum of association, signed by all the persons whose names are to be so inserted, or by their attorneys, lawfully authorized in writing, and such memorandum shall contain the particulars required by the next preceding section.

(5) The petition may ask for the embodying in the letters patent, of any provision which otherwise under this Act might be embodied in any by-law of the company when incorporated. R. S. O. 1877, c. 150, s. 5.

Notices for incorporation by the Legislature may in certain cases be accepted as notice for letters patent

8. Where a notice has been published according to the rules of the Legislative Assembly for an Act incorporating any company, the incorporation whereof is sought for objects for which incorporation is authorized by this Act, and a Bill has been introduced into the Assembly in accordance with such notice, and is subsequently thrown out or withdrawn, then in case a petition to the Lieutenant-Governor for the incorporation under this Act of the company is filed with the Provincial Secretary within one month from the day of the termination of the Session of the Assembly for which the notice was given, the notice may be accepted in lieu of the notice required by section 6. R. S. O. 1877, c. 150, s. 6.

Lieutenant-Governor may dispense with notice when capital \$3000 or under.

9. The Lieutenant-Governor may dispense with the publication of the notice mentioned in section 6, in any case in which the capital of the proposed company is \$3,000 or under. R. S. O. 1877, c. 150, s. 7.

Preliminary conditions, to be established.

10. Before the letters patent are issued, the applicants must establish to the satisfaction of the Provincial Secretary, or of such other officer as may be charged by order of the Lieutenant-Governor in Council to report thereon, the sufficiency of their notice and petition, and that the proposed name is not the name of any other known incorporated or unincorporated company. R. S. O. 1877, c. 150, s. 8 (1).

Proof of matters under this Act.

11.—(1) The Provincial Secretary, the Assistant Provincial Secretary, or such other officer, may for the purposes aforesaid, or for any other purpose under this Act, take and keep of record any requisite evidence in writing under oath or affirmation. R. S. O. 1877, c. 150, ss. 8 (2), 18 (3).

(2) Proof of any matter which may be necessary to be made under this Act, may be made by affidavit or deposition before the Provincial Secretary, or Assistant Provincial Secretary, or before any Justice of the Peace or Commissioner for taking affidavits, or Notary Public, who are hereby authorized and empowered to administer oaths for that purpose. R. S. O. 1877, c. 150, s. 67.

Name and objects of company may be varied.

12. The letters patent shall recite such of the material averments of the notice and petition so established, as the Lieutenant-Governor may find convenient to insert therein, and the Lieutenant-Governor may, if he thinks fit, give to the company, a corporate name different from the name proposed by the applicants in the published notice; and the objects of the company as stated in the letters patent may vary from the objects

stated in the said notice, provided the objects of the company as stated in the letters patent, are of a similar character to those contained in the notice published as aforesaid. R. S. O. 1877, c. 150, s. 9.

13. Notice of the granting of the letters patent shall be forthwith given by the Provincial Secretary, in the *Ontario Gazette*, in the form of Schedule A to this Act: and from the date of the letters patent the persons therein named and their successors shall be a body corporate and politic by the name mentioned therein. R. S. O. 1877, c. 150, s. 10.

Notice of issuing letters patent.
Completion of incorporation.

14.—(1) In case it is made to appear that any company is incorporated under a name the same as, or similar to, that of an existing company, it shall be lawful for the Lieutenant-Governor in Council to direct the issue of supplementary letters patent reciting the former letters, and changing the name of the company to some other name to be set forth in the supplementary letters patent; and no such alteration of name shall affect the rights or obligations of the company; and all proceedings may be continued and commenced by or against the company by its new name, that might have been continued or commenced by or against the company by its former name.

Change of name and supplementary letters patent.

(2) The High Court may compel an application under this section whenever a company improperly assumes the name of, or a name similar to, that of an existing company. R. S. O. 1877, c. 150, s. 11.

Compelling change of name.

15. The provisions of this Act relating to matter preliminary to the issue of the letters patent shall be deemed directory only; and no letters patent or supplementary letters patent issued under this Act shall be held void or voidable, on account of any irregularity in any notice prescribed by this Act, or on account of the insufficiency or absence of such notice, or on account of any irregularity in respect of any other matter preliminary to the issue of the letters patent or supplementary letters patent. R. S. O. 1877, c. 150, s. 13.

Certain informalities not to invalidate letters patent.

16. Every company so incorporated may acquire, hold, alienate and convey real estate subject to any restrictions or conditions in the letters patent set forth, and shall forthwith become and be invested with all rights, real and personal, heretofore held by or for the company under a trust created with a view to its incorporation, and with all the powers, privileges and immunities requisite to the carrying on of its undertaking, as though the company had been incorporated by a special Act of the Legislature, making the company a body politic and corporate, and embodying all the provisions of this Act, and of the letters patent. R. S. O. 1877, c. 150, s. 14.

General corporate power of such companies.

17. The directors of the company, may at any time, make a by-law sub-dividing the existing shares into shares of smaller amount. R. S. O. 1877, c. 150, s. 15.

18.—(1) The directors of the company, at any time after nine-tenths of the capital stock of the company has been taken up, and ten per centum thereon paid in, but not sooner, may make a by-law for increasing the capital stock of the company to any amount which they consider requisite for the due carrying out of the objects of the company.

(2) The by-law shall declare the number and value of the shares of the new stock, and may prescribe the manner in which the same are to be allotted; otherwise the control of such allotment shall be held to rest absolutely in the directors 44 V. c. 18, s. 1.

19. With regard to the increase of the capital stock of any company incorporated under the Act authorizing the granting of charters of incorporation to manufacturing, mining and other companies, passed in the 27th and 28th years of the reign of Her Majesty, chaptered 23, the incorporation of which is subject to the control of the Legislature of Ontario, the Provincial Secretary, or such other officer as may be named for the purpose, is not bound to sign the notice mentioned in sub-section 18 of section 5 of the said Act, and is to exercise his discretion in respect of the same, in view of all the facts, and subject to the direction of the Lieutenant-Governor in Council. This section is to be construed as declaratory of the intent, meaning and effect of the said sub-section. 49 V. c. 16, s. 32, *part*.

20.—(1) The directors of the company if they see fit at any time, may make a by-law for decreasing the capital stock of the company to any amount which they may consider sufficient for the due carrying out of the undertaking of the company, and advisable.

(2) The by-law shall declare the number and value of the shares of the stock as so decreased; and the allotment thereof or the rule or rules by which the same is to be made.

(3) The liability of shareholders to persons who were, at the time of the reduction of the capital, creditors of the company, shall remain as though the capital had not been decreased R. S. O. 1877, c. 150, s. 17 (1-3).

21. No by-law for increasing or decreasing the capital stock of the company, or sub-dividing the shares, shall have any force or effect, until after it has been sanctioned by a vote of not less than two-thirds in value of the shareholders at a general meeting of the company duly called for considering the same, and afterwards confirmed by supplementary letters patent. R. S. O. 1877, c. 150, s. 17 (4).

22.—(1) At any time not more than six months after the sanction of such by-law, the directors may petition the Lieutenant-Governor, through the Provincial Secretary, for the issue of supplementary letters patent to confirm the same.

(2) With the petition they shall produce the by-law, and establish to the satisfaction of the Provincial Secretary, or of such other officer as may be charged by order of the Lieutenant-Governor in Council, to report thereon the due passage and sanction of the by-law, and if the petition is in respect of increase or decrease of capital, the *bona fide* character of the increase or decrease of capital thereby provided for, and except as herein otherwise provided that notice of the application for supplementary letters patent has been inserted for four consecutive weeks in the *Ontario Gazette*. R. S. O. 1877, c. 150, s. 18 (1, 2).

(3) Where the capital of the company, or such capital as increased, does not exceed \$3,000, the Lieutenant-Governor may dispense with the insertion in the *Ontario Gazette* of a notice of the application. 45 V. c. 17, s. 5 (2).

23. Upon due proof so made, the Lieutenant-Governor in Council may grant such supplementary letters patent under the Great Seal; and notice thereof shall be forthwith given by the Provincial Secretary in the *Ontario Gazette*, in the form of the Schedule B to this Act; and thereupon, from the date of the supplementary papers patent, the shares shall be subdivided, or the capital stock of the company shall be and remain increased or decreased, as the case may be, to the amount, in the manner, and subject to the conditions set forth by such by-law; and the whole of the stock, as so increased or decreased, shall become subject to the provisions of this Act, in like manner (so far as may be) as though every part thereof had formed part of the stock of the company originally subscribed. R. S. O. 1877, c. 150, s. 19.

24. Sections 18 and 20 to 23 of this Act shall apply to every company which has been incorporated by a special Act for purposes or objects within the scope of this Act. 45 V. c. 17, s. 5 (1).

25.—(1) The directors of any company incorporated under this Act or any other general Act of this Province, for the incorporation of companies by letters patent, may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority, as respects dividends and otherwise over ordinary stock, as may be declared by the by-law.

(2) The by-law may provide that the holders of such preference shares shall have the right to select a certain stated

Petition for supplementary letters patent.

By-law, etc., to be produced with petition.

When notice in Gazette may be dispensed with.

Granting of supplementary letters patent.

Notice thereof.

Effect of such letters patent.

Application of ss. 18 and 20-23.

Joint Stock Companies may issue preferential stock.

Powers to preference shareholders.

proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Sanction required as to preference shares.

(3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by the vote of the shareholders, present in person or by proxy at a general meeting of the company, duly called for considering the same, or unanimously sanctioned in writing by the shareholders of the company.

Rights and liabilities of holders of preference stock.

(4) Holders of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act, provided, however, that in respect of dividends and otherwise they shall as against the original or ordinary shareholders, be entitled to the preference given by any by-law as aforesaid.

Rights of creditors continued.

(5) Nothing in this section shall affect or impair the rights of creditors of any company. 41 V. c. 8, s. 16.

Additional powers which may be granted by Supplementary Letters Patent.

26. In case a resolution, authorizing an application to the Lieutenant-Governor therefor, is passed by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a general meeting of the company, duly called for considering the subject of such resolution, the Lieutenant-Governor in Council may from time to time direct the issue of supplementary letters patent to the company, embracing any or all of the following matters :

1. Extending the powers of the company to any objects, within the scope of this Act, which the company may desire ;
2. Limiting or increasing the amount which the company may borrow upon debentures or otherwise ;
3. Providing for the formation of a reserve fund ;
4. Varying any provision contained in the Letters Patent, so long as the alteration desired is not contrary to the provisions of this Act ;
5. Making provision for any other matter or thing in respect of which provision might have been made by the original letters patent. 44 V. c. 18, s. 3.

Orders in Council as to notice of application.

27. The Lieutenant-Governor may, by Order in Council, to be notified in the *Ontario Gazette*, direct in what cases notice of application for supplementary letters patent shall be given in the *Gazette* or otherwise, and the nature of such notice, and he may in any case dispense with notice. 44 V. c. 18, s. 4.

Powers by the letters patent to be subject to this Act.

28. All powers given to the company by the letters patent or supplementary letters patent shall be exercised subject to the provisions and restrictions contained in this Act. R. S. O. 1877, c. 150, s. 20.

29. The affairs of every such company shall be managed by a board of not less than three directors. Board of directors. R.S.O. 1877, c. 150, s. 21.

30. The persons named as directors, in the letters patent, shall be the directors of the company, until replaced by others Provisional directors. duly appointed in their stead. R. S. O. 1877, c. 150, s. 22.

31. No person shall be elected or appointed as a director thereafter, unless he is a shareholder, owning stock absolutely in his own right, and not in arrear in respect of any call thereon. Qualification of directors. R. S. O. 1877, c. 150, s. 23.

32. The after directors of the company shall be elected by the shareholders in general meeting of the company assembled at some place within this Province, at such times, in such wise, and for such term, not exceeding two years, as the letters patent, or (in default thereof) the by-laws of the company may prescribe. After directors, to be elected. R. S. O. 1877, c. 150, s. 24.

33. In default only of other express provisions in such behalf, by the letters patent or by-laws of the company ; Made of election.

1. Such election shall take place yearly, all the members of the board retiring, and (if otherwise qualified) being eligible for re-election ; R. S. O. 1877, c. 150, s. 25 (1). Yearly.

2. Notice of the time and place for holding general meetings of the company shall be given at least ten days previously thereto, in some newspaper published at or as near as may be to the office or chief place of business of the company ; and also, in the case of companies having a capital exceeding \$3,000, either by publishing the same in the *Ontario Gazette* or by mailing the same as a registered letter, duly addressed to each shareholder at least ten days previous to such meeting ; R. S. O. 1877, c. 150, s. 25 (2) ; 48 V. c. 32, s. 3. Notice.

3. At all general meetings of the company, every shareholder shall be entitled to as many votes as he owns shares in the company, and may vote by proxy ; Votes.

4. Elections of directors shall be by ballot ; Ballot.

5. Vacancies occurring in the board of directors may, unless the by-laws otherwise direct, be filled for the unexpired remainder of the term, by the board, from among the qualified shareholders of the company ; Vacancies.

6. The directors shall, from time to time, elect from among themselves, a president of the company ; and shall also name, and may remove at pleasure, all other officers thereof. President and Officers. R. S. O. 1877, c. 150, s. 25 (3-6).

34. If at any time an election of directors is not made, or does not take effect at the proper time, the company shall not be held to be thereby dissolved : but such election may take Failure to elect directors, how remedied.

place at any general meeting of the company duly called for that purpose; and the retiring directors shall continue in office until their successors are elected. R. S. O. 1877, c. 150, s. 26.

Change of
number of
directors or of
head office.

35.—(1) A company incorporated under this Act may by by-law increase or decrease the number of its directors, or may change the company's chief place of business in Ontario.

(2) No by-law for either of the said purposes shall be valid or acted upon unless it is sanctioned by a vote of not less than two-thirds in value of the shareholders present, in person or by proxy, at a general meeting duly called for considering the by-law, nor until a copy of the by-law has been certified under the seal of the company to the Provincial Secretary, and also has been published in the *Ontario Gazette*. R. S. O. 1877, c. 150, s. 27.

Powers and
duties of
directors.

36. The directors of the company shall have full power in all things to administer the affairs of the company; and may make, or cause to be made, for the company, any description of contract which the company may by law enter into. R. S. O. 1877, c. 150, s. 28.

By-laws.

37. The directors may, from time to time, make by-laws not contrary to law, or to the letters patent of the company, or to this Act to regulate—

Stock

(a) The allotment of stock; the making of calls thereon; the payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and of the proceeds thereof; the transfer of stock;

Dividends.

(b) The declaration and payment of dividends;

Directors.

(c) The number of directors, their term of service, the amount of their stock qualification;

Officers.

(d) The appointment, functions, duties and removal of all agents, officers and servants of the company; the security to be given by them to the company; and their remuneration;

Meetings.

(e) The time at which, and place where the annual meetings of the company shall be held; the calling of meetings, regular and special, of the board of directors, and of the company; the quorum; the requirements as to proxies; and the procedure in all things at such meetings;

Fines.

(f) The imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and

Conduct of
affairs gener-
ally.

(g) The conduct in all other particulars of the affairs of the company;

Confirmation
of by-laws.

and may from time to time, repeal, amend or re-enact the same; but every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a

general meeting of the company, duly called for that purpose, shall only have force until the next annual meeting of the company; and in default of confirmation thereat, shall, at and from that time only, cease to have force; and in that case no new by-law to the same or like effect shall have any force, until confirmed at a general meeting of the company. R. S. O. 1877, c. 150, s. 29.

38.—(1) In case a by-law, authorizing the same, is sanctioned by a vote of not less than two-thirds in value, of the said shareholders, then present in person or by proxy, at a general meeting duly called for considering the by-law, the directors may borrow money upon the credit of the company, and issue the bonds, debentures, or other securities of the company, and may sell the said bonds, debentures, or other securities at such prices as may be deemed expedient or be necessary; but no such debentures shall be for a less sum than \$100. Power to issue bonds or debentures, and

(2) The directors may, under the like sanction, hypothecate, mortgage, or pledge the real or personal property of the company, to secure any sum or sums borrowed for the purposes thereof. R. S. O. 1877, c. 150, s. 30. to grant mortgages

39. One fourth part in value of the shareholders of the company shall at all times have the right to call a special meeting thereof, for the transaction of any business specified in such written requisition and the notice calling the meeting R. S. O. 1877, c. 150, s. 31. Special meetings.

40. A copy of any by-law of the company, under its seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of the by-law in all Courts in Ontario. R. S. O. 1877, c. 150, s. 32. Evidence of by-laws.

41. The stock of the company shall be deemed personal estate, and shall be transferable, in such manner only, and subject to all such conditions and restrictions as by this Act, or by the letters patent or by-laws of the company, may be prescribed. R. S. O. 1877, c. 150, s. 33. Stock, personal estate.

42. If the letters patent make no other definite provision the stock of the company, so far as it is not allotted thereby, shall be allotted when and as the directors by by-law or otherwise ordain. R. S. O. 1877, c. 150, s. 34. Allotment of stock.

43. No by-law for the allotment or sale of stock at any greater discount or at any less premium than what has been previously authorized at a general meeting, or for the payment of the president or any director, shall be valid or acted upon until the same has been confirmed at a general meeting. R. S. O. 1877, c. 150, s. 35. Disposal of stock. Payment to president of directors.

Calling in instalments.

44. The directors of the company may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such times and places and in such payments or instalments, as the letters patent, or this Act, or the by-laws of the company require or allow; and interest shall accrue and fall due, at the legal rate for the time being, upon the amount of any unpaid call, from the day appointed for payment of such call. R. S. O. 1877, c. 150, s. 36.

Calls.

Ten per cent. within first year.

45. Not less than ten per centum upon the allotted stock of the company shall, by means of one or more calls, be called in and made payable within one year from the incorporation of the company; the residue, when and as the by-laws of the company direct. R. S. O. 1877, c. 150, s. 37.

Enforcement of payment of calls, by action.

46. The company may enforce payment of all calls and interest thereon, by action in any Court of competent jurisdiction; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to state that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action has accrued to the company under this Act; and a certificate under the seal and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, that such call or calls has or have been made and that so much is due by him and unpaid thereon, shall be received in all Courts as *prima facie* evidence to that effect. R. S. O. 1877, c. 150, s. 38.

Forfeiture of shares.

47. If after such demand or notice as by the letters patent or by-laws of the company is prescribed, any call made upon any share or shares is not paid within such time as by such letters patent or by-laws may be limited in that behalf, the directors in their discretion, by vote to that effect, reciting the facts and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the company and may be disposed of as by by-law or otherwise the company may ordain. R. S. O. 1877, c. 150, s. 39.

Restriction as to transfers.

48. No share shall be transferable, until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon. R. S. O. 1877, c. 150, s. 40.

Shareholders in arrear not to vote.

49. No shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the company. R. S. O. 1877, c. 150, s. 41.

Record books to be kept and what to contain.

50. The company shall cause a book or books to be kept by the secretary, or by some other officer especially charged with that duty, wherein shall be kept recorded—

(a) A copy of the letters patent incorporating the company, and of any supplementary letters patent issued to the company, and of all by-laws thereof ;

(b) The names, alphabetically arranged, of all persons who are or have been shareholders ;

(c) The address and calling of every such person while such shareholder ;

(d) The number of shares of stock held by each shareholder ;

(e) The amounts paid in, and remaining unpaid, respectively on the stock of each shareholder ;

(f) All transfers of stock, in their order as presented to the company for entry, with the date and other particulars of each transfer, and the date of the entry thereof ; and

(g) The names, addresses and calling of all persons who are or have been directors of the company ; with the several dates at which each person became or ceased to be such director. R. S. O. 1877, c. 150, s. 42.

51. The directors may refuse to allow the entry, into any such book, of any transfer of stock whereon any call has been made which has not been paid in. R. S. O. 1877, c. 150, s. 43. Refusal to enter transfer if call not paid.

52. No transfer of stock, unless made by sale under execution, or under the order or judgment of some competent Court in that behalf, shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable, *ad interim*, jointly and severally with the transferor, to the company and its creditors, until entry thereof has been duly made in the books of the company. 48 V. c. 33, s. 4. Transfer valid only after entry.

53. Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the company, and their personal representatives, at the office or chief place of business of the company ; and every such shareholder, creditor or representative, may make extracts therefrom. R. S. O. 1877, c. 150, s. 45. Books to be open for inspection.

54. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any action or proceeding against the company or against any shareholder. R. S. O. 1877, c. 150, s. 46. Books to be prima facie evidence.

55. No director, officer or servant of the company, shall knowingly make or assist to make any untrue entry in any such book, or shall refuse or neglect to make any proper entry therein ; and any person violating the provisions of this Penalty for false entries.

section shall, besides any criminal liability which he may thereby incur, be liable in damages for all loss or injury which any person interested may have sustained thereby. R. S. O. 1877, c. 150, s. 47.

Liability for refusal to allow inspection of books.

56. Any director or officer who refuses to permit any person entitled thereto to inspect such book or books, or make extracts therefrom, shall forfeit and pay to the party aggrieved the sum of \$100; and in case the amount is not paid within seven days after the recovery of judgment, the Court in which the judgment is recovered, or a Judge thereof, may direct the imprisonment of the offender for any period not exceeding three months unless the amount with costs is sooner paid. R. S. O. 1877, c. 150, s. 48.

Lists of shareholders and statements of affairs to be made yearly.

57.—(1) Every company incorporated under this Act shall on or before the first day of February, in every year, make a list, in duplicate, verified as is hereinafter required, of all persons who on the thirty-first day of December previously, were shareholders of the company; and such list shall state the names alphabetically arranged, and the addresses and callings of all such persons, the amount of stock held by them, and the amount unpaid thereon; and shall also make out a summary in duplicate, verified as hereinafter required, of the state of the affairs of the company, on the thirty-first day of December preceding. R. S. O. 1877, c. 150, s. 49 (1); 45 V. c. 17, s. 4 (3, *part*).

Contents of statement.

(2) The summary shall contain the following particulars:

Firstly, The names and residences and post office addresses of the directors, secretary, and treasurer of the company;

Secondly, The amount of the capital of the company and the number of shares into which it is divided;

Thirdly, The number of shares taken from the commencement of the company up to the thirty-first day of December preceding the date of the summary:

Fourthly, The amount of stock (if any) issued free from call; if none is so issued, this fact to be stated;

Fifthly, The amount issued subject to call;

Sixthly, The amount of calls made on each share;

Seventhly, The total amount of calls received;

Eighthly, The total amount of calls unpaid;

Ninthly, The total amount of shares forfeited;

Tenthly, The total amount of shares which have never been allotted or taken up;

Eleventhly, The total amount for which shareholders of the company are liable in respect of unpaid stock held by them;

Twelfthly, The said summary may also, after giving the information hereinbefore required, give in a concise form, such further information respecting the affairs of the company, as the directors may consider expedient. R. S. O. 1877, c. 150, s. 49 (2).

(3) Every company so long as it carries on the business of warehousing crude petroleum shall add the following additional particulars in the summary:—

(a) The total quantity of crude petroleum actually held by the company for the purpose of answering transportation and warehouse receipts, accepted orders, and certificates of crude petroleum.

(b) The total quantity of crude petroleum in respect of which the company as warehousemen or carriers are liable to make delivery to other persons. 48 V. c. 25, s. 2 (1-2). See Cap. 122, s. 21.

(4) The list and summary, and every duplicate thereof required by this Act, shall be written or printed on only one side of the sheet or sheets of paper containing the same. Mode of writing the same.

(5) The list and summary shall be verified by the affidavit of the president and secretary, and if there are no such officers, or they, or either of them, are or is, at the proper time, out of this Province, or otherwise unable to make the same, by the affidavit of the president or secretary and one of the directors, or two of the directors, as the case may require; and if the president or secretary does not make or join in the affidavit, the reason thereof shall be stated in the substituted affidavit. R. S. O. 1877, c. 150, s. 49 (3, 4). Verification thereof.

(6) One of the duplicate lists and summaries, with the affidavit of verification, shall be posted in the head office of the company in Ontario, on or before the second day of February; and the company shall keep the same so posted, until another list and summary are posted under the provisions of this Act; and the other duplicate list and summary, verified as aforesaid, shall be deposited with the Provincial Secretary, on or before the eighth day of February next after the time hereinbefore fixed for making the summary. R. S. O. 1877, c. 150, s. 49 (5); 45 V. c. 17, s. 4 (3, part). Posting thereof. Deposit with Provincial Secretary.

(7) If a company makes default in complying with the provisions of this section, the company shall incur a penalty of \$20 for every day during which the default continues, and every director, manager or secretary of the company, who knowingly and wilfully authorizes or permits such default, shall incur the like penalty. R. S. O. 1877, c. 150, s. 49 (6). Penalty for default.

(8) This section shall not apply to any company until the first day of February next after the first thirty-first day of December, after the company has been organ- When section not to apply.

ized, or has gone into actual operation, whichever shall first happen, and shall not be held to apply to any company which has ceased to carry on business; and upon its being proved that any company to which this Act applies did not transact any business (other than the payment of taxes or the making of a return, or the furnishing of any list, statement, or other information to the Government of Ontario, or to any officer or department thereof) during the year for which it is alleged a return in accordance with the requirements of law has not been made such company shall be deemed to have ceased to carry on business within the meaning of this subsection. 44 V. c. 21, ss. 3, 4.

Company not to be liable in respect of trusts, etc.

58. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the shareholder in whose name the same stands in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, whether or not notice of the trust has been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt. R. S. O. 1877, c. 150, s. 50.

Contracts, etc., when to be binding on company.

59.—(1) Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the company by any agent, officer or servant of the company, in general accordance with his powers as such under the by-laws of the company, shall be binding upon the company; and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law, or special vote or order; nor shall the party so acting as agent, officer or servant of the company, be thereby subjected individually to any liability whatsoever to any third party therefor.

Proviso as to notes, banking and insurance.

(2) Nothing in this Act shall be construed to authorize the company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank, or to engage in the business of banking or insurance. R. S. O. 1877, c. 150, s. 51.

Not to purchase stock in other corporations.

60. No company shall use any of its funds in the purchase of stock in any other corporation, unless expressly authorized by by-law confirmed at a general meeting. R. S. O. 1877, c. 150, s. 52.

Liability of shareholders.

61.—(1) Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the company, to an amount equal to that not paid

up thereon, but shall not be liable to an action therefor by any creditor, before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution, but not beyond the amount so unpaid of his said stock, shall be the amount recoverable with costs, against such shareholder.

(2) Any shareholder may plead by way of defence, in whole or in part, any set-off which he could set up against the company, except a claim for unpaid dividends, or a salary, or allowance as a president or a director of the company. 48 V. c. 33, ss. 2, 3.

62. The shareholders of the company shall not as such be held responsible for any act, default, or liability whatsoever, of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the unpaid amount of their respective shares in the capital stock thereof. 48 V. c. 33, s. 8.

63. No person holding stock in the company as executor, administrator, guardian or trustee, shall be personally subject to liability as a shareholder; but the estates and funds in the hands of such person shall be liable in like manner and to the same extent, as the testator or intestate or the minor, ward, or person interested in the trust fund, would be, if living and competent to act and holding such stock in his own name. 48 V. c. 33, s. 5.

64. No person holding stock as collateral security, shall be personally subject to liability as a shareholder, but the person pledging such stock as such collateral security shall be considered as holding the same, and shall be liable as a shareholder in respect thereof. 48 V. c. 33, s. 6.

65. Every executor, administrator, guardian or trustee, shall represent the stock in his hands, at all meetings of the company, and may vote accordingly as a shareholder; and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder. R. S. O. 1877, c. 150, s. 56. See Cap. 156, s. 41.

66. The directors of the company shall not declare or pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent, or diminishes the capital stock thereof, but if any director present when such dividend is declared, forthwith, or if any director then absent, within twenty-four hours after he has become aware thereof and able so to do, enters on the minutes of the board of directors his protest against the same, and within eight days thereafter causes such protest to be published in at least one newspaper published at or as near as may be possible

Shareholders not liable beyond amount of stock.

Trustees, etc., not personally liable.

Mortgagees

Trustee, etc., may vote.

Mortgagor of stock may vote.

Liability of directors declaring a dividend when company is insolvent, etc.

How a director may avoid such liability.

to, the office or chief place of business of the company, such director may thereby, and not otherwise, exonerate himself from liability. R. S. O. 1877, c. 150, s. 57.

No loan by company to shareholder.

67. No loan shall be made by the company to any shareholder, and if such loan is made, all directors and other officers of the company making the same, and in anywise assenting thereto, shall be jointly and severally liable to the company for the amount thereof, and also to third parties, to the extent of such loan with legal interest, for all debts of the company contracted from the time of the making of the loan to that of the repayment thereof: but this section shall not apply to a Building Society, or to a company incorporated for the lending of money. R. S. O. 1877, c. 150, s. 58.

Liability of directors for wages.

68. The directors of the company shall be jointly and severally liable to the labourers, servants and apprentices thereof, for all debts not exceeding one year's wages due for services performed for the company while they are such directors respectively; but no director shall be liable to an action therefor, unless the company has been sued therefor within one year after the debt became due, nor yet unless such director is sued therefor within one year from the time when he ceased to be such director, nor yet before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the directors. R. S. O. 1877, c. 150, s. 59.

Mode of incorporation, etc., how to be set forth in legal proceedings.

69. In an action or other proceeding, it shall not be requisite to set forth the mode of incorporation of the company, otherwise than by mention of it under its corporate name, as incorporated by virtue of letters patent, or of letters patent and supplementary letters patent, as the case may be under this Act; and the letters patent or supplementary letters patent themselves, or any exemplification or copy thereof under the Great Seal, shall be conclusive proof of every matter and thing therein set forth. R. S. O. 1877, c. 150, s. 62.

Forfeiture of charter for non-user.

70. The charter of the company shall be forfeited by non-user during three consecutive years at any one time, or if the company does not go into actual operation within three years after it is granted: and no declaration of such forfeiture by any Act of the Legislature shall be deemed an infringement of such charter. R. S. O. 1877, c. 150, s. 63.

Fees on letters patent, etc., to be fixed by Order in Council.

71.—(1) The Lieutenant-Governor in Council may from time to time establish, alter, and regulate the tariff of the fees to be paid on applications under this Act: may designate the Department or Departments through which the issue of letters patent or supplementary letters shall be made; and may prescribe the forms of proceeding and record in respect thereof, and all other matters requisite for carrying out the objects of this Act. R. S. O. 1877, c. 150, s. 64 (1); 47 V. c. 27, s. 6.

(2) Such fees may be made to vary in amount, under any rule or rules—as to nature of company, amount of capital, and otherwise—that may be deemed expedient.

(3) No step shall be taken in any Department towards the issue of any letters patent or supplementary letters patent under this Act, until after all fees therefor have been duly paid. R. S. O. 1877, c. 150, s. 64 (2, 3).

72.—(1) Any company incorporated, for purposes or objects within the scope of this Act, or within the scope of this Act as it may be hereafter amended, whether under a special or a general Act, and being at the time of its application a subsisting and valid corporation, may apply for letters patent under this Act; and the Lieutenant-Governor in Council, upon proof that notice of the application has been inserted for four weeks in the *Ontario Gazette*, may direct the issue of letters patent incorporating the shareholders of the said company as a company under this Act, and thereupon all the rights or obligations of the former company shall be transferred to the new company, and all proceedings may be continued and commenced by or against the new company, that might have been continued or commenced by or against the old company, and it shall not be necessary in any such letters patent to set out the names of the shareholders; and after the issue of the letters patent, the company shall be governed in all respects by the provisions of this Act, except that the liability of the shareholders to creditors of the old company shall remain as at the time of the issue of the letters patent. R. S. O. 1877, c. 150, s. 65; 45 V. c. 17, s. 3.

Subsisting companies may apply under this Act.

(2) Where a company is re-incorporated under the preceding sub-section the Lieutenant-Governor may, by the letters patent, increase the capital stock of the company to any amount which the shareholders of the company applying for re-incorporation may, by a resolution passed by a vote of not less than two-thirds in value of those present in person or by proxy at a general meeting of the company duly called for considering the same, have declared to be requisite for the due carrying out of the objects of the company.

(3) The resolution may prescribe the manner in which the new stock is to be allotted; and in default of its so doing, the control of the allotment shall vest absolutely in the directors of the new company. 47 V. c. 27, s. 5.

73. Where an existing company applies for the issue of letters patent under the provisions of the preceding section, the Lieutenant-Governor may by the letters patent extend the powers of the company to such other objects within the scope of this Act as the applicants desire, and as the Lieutenant-Governor thinks fit to include in the letters patent, and may by the said letters patent name the first directors of the new

Existing companies may apply for letters patent with extended powers.

company, and the letters patent may be to the new company by the name of the old company or by any other name. R. S. O. 1877, c. 150, s. 66; 45 V. c. 17, s. 3.

Appointment
of companies
to act as trustee, etc.

74.—(1) Where a company incorporated under a special Act or under this Act is authorized to execute the office of executor, administrator, trustee, receiver, assignee, guardian of a minor, or committee of a lunatic, then in case the Lieutenant-Governor in Council shall approve of such company being accepted by the High Court as a Trusts Company for the purposes of such Court, the said Court, or any Judge thereof, and every other Court or Judge having authority to appoint such an officer, may, with the consent of the company, appoint such company to exercise any of the said offices in respect of any estate, or person, under the authority of such Court or Judge, or may grant to such company probate of any will in which such company is named an executor; but no company which has issued, or has authority to issue, debentures shall be approved as aforesaid.

(2) Notwithstanding any rule of practice, or any provision of any Act requiring security, it shall not be necessary for the said company to give any security for the due performance of its duty as such executor, administrator, trustee, receiver, assignee, guardian or committee, unless otherwise ordered.

(3) The Lieutenant-Governor in Council may revoke the approval given under this section, and no Court, or Judge, after notice of such revocation, shall appoint any such company to be an administrator, trustee, receiver, assignee, guardian, or committee, unless such company gives the like security for the due performance of its duty as would be required from a private person. 45 V. c. 17, s. 2 (1-3).

Liability of
company acting
as trustee.

75. The liability of the company to persons interested in an estate held by the said company as executor, administrator, trustee, receiver, assignee, guardian, or committee as aforesaid, shall be the same as if the estate had been held by any private person in such capacities respectively, and its powers shall be the same. 45 V. c. 17, s. 2 (4).

Investigation
of affairs of
company.

76.—(1) The High Court, if it deems necessary, may from time to time appoint a suitable person to investigate the affairs and management of the company, who shall report thereon to the Court, and regarding the security afforded to those by or for whom its engagements are held, and the expense of such investigations shall be defrayed by the company; or the Court may, if it deems necessary, examine the officers or directors of the company under oath as to the security aforesaid.

(2) The Lieutenant-Governor may also from time to time, when he deems it expedient, appoint an inspector to examine the affairs of the company, and report to him on the security

afforded to those by and for whom its engagements are held as aforesaid; and the expense of the investigation shall be borne by the company. 45 V. c. 17, s. 2 (5, 6).

77.—(1) Every Court into which money is paid by parties, or is brought by order or judgment, may by order direct the same to be deposited with any such company that may agree to accept the same, and the company may pay any lawful rate of interest on such moneys as may be agreed upon, and when no special arrangement is made, interest shall be allowed by the company at the rate of not less than three per centum annually.

Deposit with company of money paid into Court.

(2) Every such company may invest any trust moneys in its hands in any securities in which private trustees may by law invest trust moneys, and may also invest such moneys (a) in the public stock funds or Government securities of any of the Provinces of the Dominion, or in any securities guaranteed by the United Kingdom of Great Britain and Ireland, or by the Dominion, or by any of the said Provinces; (b) or in the bonds or debentures of any municipal corporation in any of the said Provinces;

Mode of investment.

Provided that such company shall not in any case invest the moneys of any trust in securities prohibited by the trust, and shall not invest moneys intrusted to it by any Court in a class of securities disapproved of by the Court. 45 V. c. 17, s. 2 (7-8).

78.—(1) Where any company has been incorporated by a special Act, before the 10th day of March, 1882, for purposes or objects within the scope of this Act, then, in case a resolution authorizing an application to the Lieutenant-Governor therefor is passed by a vote of not less than two-thirds in value of the shareholders present, in person or by proxy, at a general meeting of the company, duly called for considering the subject of such resolution, the Lieutenant-Governor in Council may from time to time direct the issue of letters patent to the company, embracing any or all of the following matters:

Letters Patent for certain purposes may be granted to companies incorporated under special Acts.

- (a) Extending the powers of the company to any objects within the scope of this Act, which the company may desire;
- (b) Limiting or increasing the amount which the company may borrow upon debentures or otherwise;
- (c) Providing for the formation of a reserve fund;
- (d) Varying any provision contained in the special Act, so long as the alteration is not contrary to the provisions of this Act;
- (e) Making provision for any other matter or thing in respect of which provision might have been made had the company been incorporated under this Act.

(2) No power to execute the office of executor, administrator, trustee, receiver, assignee, guardian of a minor, or committee of a lunatic, shall be conferred under this section upon any company which has authority to issue debentures; and no company incorporated under this Act, with power to execute such office, shall issue debentures. 45 V. c. 17, s. 4 (1, 2).

Winding up
Acts to apply.

79. The company shall be subject to the provisions of any Act of the Legislature for the winding up of joint stock companies. R. S. O. 1877, c. 150, s. 68.

SCHEDULE A.

(Section 13.)

NOTICE OF GRANTING LETTERS PATENT.

Public notice is hereby given, that under *The Ontario Joint Stock Companies' Letters Patent Act*, Letters Patent have been issued under the Great Seal of the Province of Ontario, bearing date the _____ day of _____ incorporating [here state the names, address and calling of each corporation named in the Letters Patent], for the purpose of [here state the undertaking of the Company as set forth in the Letters Patent] by the name of [here state the name of the Company in the Letters Patent], with a total capital stock of \$ _____, divided into _____ shares of \$ _____ each.

Dated at the office of the Provincial Secretary of Ontario, the _____ day of _____

A. B.,
Provincial Secretary.

R. S. O. 1877, c. 150, *Sched. A.*

SCHEDULE B.

(Section 23.)

NOTICE OF GRANTING SUPPLEMENTARY LETTERS PATENT.

Public notice is hereby given, that under *The Ontario Joint Stock Companies' Letter Patent Act*, Supplementary Letters Patent have been this day issued under the Great Seal of the Province of Ontario, bearing date the _____ day _____ whereby the total capital stock of [here state the name of the Company] is increased [or decreased, as the case may be] from \$ _____ to \$ _____ [or whereby the capital stock of the Company of _____ shares of \$ _____ each is sub-divided into _____ shares of \$ _____ each].

Dated at the office of the Provincial Secretary of Ontario, this _____ day of _____

A. B.,
Provincial Secretary.

R. S. O. 1877, c. 150, *Sched. B.*

CHAPTER 158.

An Act respecting Telegraph Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Every telegraph association or company, subject to the legislative authority of this Province, and incorporated under chapter 67 of the Consolidated Statutes of Canada, or under any general Act passed subsequently thereto or hereafter passed authorizing the incorporation of such companies, may construct the lines of telegraph designated in its instrument of incorporation upon any lands purchased by the company, or the right to carry its line over which has been conceded to it by the parties having a right to make such concession, and along and upon any of the public roads and highways, or across any of the waters within this Province, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, provided the same are not so constructed as to incommode the public use of such roads or highways, or to impede the free access to any house or other building erected in the vicinity of the same, or injuriously to interrupt the navigation of such waters. R. S. O. 1877, c. 151, s. 1.

Powers for the construction of the line.

C. S. C. c. 67

2. Nothing herein contained shall confer on any such association or company the right of building a bridge over any navigable water. R. S. O. 1877, c. 151, s. 2.

Co. not to build bridge over navigable water.

3. The owner of, or the company owning any telegraph line shall, except in cases provided for in the next section, transmit all despatches in the order in which they are received, under a penalty of not less than \$20 nor more than \$100, to be recovered, with costs of action, by the person or persons whose despatch has been postponed out of its order. R. S. O. 1877, c. 151, s. 3.

Duties of company in transmitting despatches.

4. Any message in relation to the administration of justice arrest of criminals, the discovery or prevention of crime, and Government messages or despatches, shall always be transmitted in preference to any other message or despatch, if required by persons connected with the administration of justice, or any person thereunto authorized by the Provincial Secretary. R. S. O. 1877, c. 151, s. 4.

What messages entitled to preference.

5. Her Majesty may, at any time, assume, and for any length of time retain, possession of any such telegraph line and of all things necessary to the efficient working thereof, and may for

Government may assume the same temporarily.

the same time require the exclusive service of the operators and other persons employed in working such line, and the company shall give up possession thereof, and the operators and other persons so employed shall, during the time of such possession, diligently and faithfully obey such orders, and receive and transmit such despatches as they may be required to receive and transmit by any duly authorized officer of the Provincial Government, under a penalty not exceeding \$100 for any refusal or neglect to comply with the requirements of this section, to be recovered by the Crown for the public uses of the Province, with costs. R. S. O. 1877, c. 151, s. 5.

Her Majesty may assume the property of the line.

6. At any time after the commencement of a telegraph line under this Act, and after two months' notice to the company, Her Majesty may assume the possession and property thereof, and thereupon the line and all the property, real or personal, essential to the working thereof, and all the rights and privileges of the company as regards the same shall be vested in the Crown. R. S. O. 1877, c. 151, s. 6.

Mode of settling the compensation in case of disagreement.

7. If a difference arises between the company and those who act for the Crown, as to the compensation which ought to be paid to the company for any telegraph line and appurtenances taken under section 6 of this Act, or for the temporary exclusive use thereof under section 5, such difference shall be referred to three arbitrators, one to be appointed on the part of the Crown, another by the company, and the third by the two arbitrators so appointed, and the award of any two of the said arbitrators shall be final; and in case of refusal or neglect by the company to appoint an arbitrator, or if the two arbitrators cannot agree upon a third arbitrator, then such arbitrator shall be appointed by any two Judges of the High Court, on application on the part of the Crown. R. S. O. 1877, c. 151, s. 7.

Municipal corporations and Joint Stock Companies may take stock in telegraph companies.
C. S. C. c. 67.

8. Any municipal corporation in this Province or any joint stock company incorporated under any Act of the late Province of Canada or of this Province, may subscribe for and hold stock in any telegraph company incorporated under chapter 67 of the Consolidated Statutes of Canada, or any general Act passed subsequently thereto or hereafter passed authorizing the incorporation of such companies, and may pay the amount of such subscription out of any municipal or other funds not specially appropriated to any other purpose, and such municipal corporation may levy money by rate, for paying any such subscription; and shall have such rights as a member of the company, and shall vote upon the stock held by it in such manner and by the intervention of such person or officer, as may be determined by the instrument of incorporation of the company. R. S. O. 1877, c. 151, s. 8.

CHAPTER 159.

An Act respecting Joint Stock Companies for the Construction or Purchase of Roads and other Works.

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| SHORT TITLE, s. 1. | TIME FOR COMPLETION OF ROADS, ss. |
| ACT TO APPLY TO EXISTING COMPANIES, s. 2. | 79, 80. |
| COMPANIES FOR THE CONSTRUCTION OF ROADS : | ABANDONMENT OF ROADS, ss. 81, 82. |
| Incorporation, ss. 3-6. | TOLLS, 83-98. |
| Restrictions on right to construct roads, ss. 7-14. | Exemption from toll, s. 95. |
| Power to take lands and materials, ss. 15-29. | REPAIR OF ROADS, ss. 99-123. |
| Increase of capital, ss. 30-33. | SALE OF ROADS UNDER EXECUTION, ss. 124-128. |
| Directors, ss. 34-43. | OFFENCES AND PENALTIES, ss. 128-145. |
| Special meetings, s. 40. | MISCELLANEOUS : |
| Shares, amount and transfer, s. 44. | Certain informalities in incorporation cured. s. 146. |
| Calls on stock, ss. 45-56. | Annual report to County Council, s. 147. |
| COMPANIES FOR PURCHASING ROADS : | Books to be kept by company, ss. 148-150. |
| Incorporation, ss. 57-58. | After 21 years municipality may purchase stock of the company. ss. 151, 152. |
| Powers, ss. 59, 60. | Planting trees, ss. 153, 154. |
| UNION OF COMPANIES, ss. 61-63. | Certain sections to apply to all road companies under former Acts, s. 157. |
| SALE OF ROADS, ss. 60, 64-66. | Certain sections to apply to all road companies having a special character, s. 157 (2). |
| POWERS OF COUNCILS, ss. 67-73, 153-156. | |
| POWER TO TAKE MATERIALS FOR CONSTRUCTION OF ROADS, ss. 74-78. | |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "*The General Road Companies Act*." R. S. O. 1877, c. 152, s. 1.

2. All companies incorporated for such purposes as are in this Act mentioned, under any former general Acts relating to joint stock road companies, before this Act takes effect, shall subsist and continue, notwithstanding the repeal of such Acts, and such companies shall be subject to, and may avail themselves of the provisions of this Act, and in all cases of doubt or ambiguity this Act shall be deemed and taken to be declaratory of the meaning of the said Acts. R. S. O. 1877, c. 152, s. 2.

Existing companies continued—how this Act shall apply to them.

COMPANIES FOR CONSTRUCTION OF ROADS.

Five persons may form a company for the construction of plank and other roads.

3. Any number of persons not less than five may form themselves into a company for the purpose of constructing, and may construct, in, along, or over any public road or highway, or allowance for road, or on, along, or over any other land, a plank, macadamized or gravelled road, not less than two miles in length, and also any bridges, piers or wharves, connected therewith. R. S. O. 1877, c. 152, s. 3.

No company to be formed

Until a sufficient sum is subscribed,

And an Instrument executed,

and six per cent. of capital paid and instrument registered.

4. No company shall be incorporated under this Act—

1. Until the shareholders have subscribed for stock an amount sufficient in their judgment to construct the entire work:

2. Nor until they have executed an instrument according to the form or to the purport of Schedule A to this Act;

3. Nor until the company, or some one of their number, or the directors named in the said instrument, has or have paid to the treasurer of the company six per cent. upon the amount of the capital stock mentioned in such instrument, and has or have registered such instrument, with a receipt from the treasurer of the company for such payment or instalment, by leaving the original instrument and receipt with the registrar of any one registry division in which the road or other work connected therewith is wholly or partly situated or intended to be made. R. S. O. 1877, c. 152, s. 4.

Registration of instrument of association, and receipt.

5. The registrar shall register the instrument and receipt in a registry book to be provided by every registrar for that purpose (for which registration he shall be entitled to a fee of fifty cents), and he shall afterwards retain the original documents in his custody, and shall produce the same upon all occasions when legally required to do so by the directors or treasurer of the company, or otherwise. R. S. O. 1877, c. 152, s. 5.

General corporate powers of company.

6. When the requirements of the last two sections have been complied with, the company shall be an incorporated company, by the name designated in the instrument registered as aforesaid; and may by their corporate name acquire and hold any lands, tenements and hereditaments, useful and necessary for the purposes of the company and may afterwards sell and convey the same. R. S. O. 1877, c. 152, s. 6.

As to taking property.

7. No company shall construct such road or other works through, over, along or upon any private property or property of the Crown, without having first obtained the permission of the owner or occupier thereof, or of the Lieutenant-Governor in Council, so to do, except as hereinafter provided. R. S. O. 1877, c. 152, s. 7.

8. No road shall be constructed or pass within the limits of any city, or of any incorporated town or village, except by permission, under a by-law of the city, town or village, passed for that purpose. R. S. O. 1877, c. 152, s. 8.

When municipal by-law necessary.

9. All bridges in the line of road between the termini of any road, which are not within the limits of any city, incorporated town or village, shall be deemed part of such road, unless specially excepted in the instrument of association of the company. R. S. O. 1877, c. 152, s. 9.

Bridges when part of the road.

10. No road shall be made of a higher grade than one foot elevation to twenty feet along the road, without the sanction of the county engineer of the county where the road or other work is situated or constructed, and if there be no such officer, then of some competent engineer appointed by the county council for that purpose. R. S. O. 1877, c. 152, s. 10.

Highest grade.

11. In case under any statute heretofore passed a company has been formed to construct any roads or bridges, piers or wharves, connected therewith as aforesaid, and the stock of the company has been subscribed, and the work in course of completion within the time limited by the statute under which the charter was obtained, no company shall be formed under this Act to construct any line of road for which such prior charter was so obtained, so long as the charter remains in force. R. S. O. 1877, c. 152, s. 11.

As to line for which other companies have been chartered.

12. No company formed under this Act shall commence any work until thirty days after the directors have served a written notice upon the head of the municipality in the jurisdiction of which the road or other work connected therewith is intended to pass or to be constructed; and if the municipal council of such locality passes a by-law prohibiting, varying or altering such intended line of road, or the plan of such other work, such by-law shall have the same force and effect, and be as obligatory upon all persons, and upon such company, if the company proceeds in the construction of the road or other works, as if the provisions thereof had been inserted in the body of this Act. R. S. O. 1877, c. 152, s. 12.

Thirty days notice to be served on the Head of the Municipality, prior to any company commencing any work.

13. If no by-law is passed within thirty days after service of the notice upon the head of the municipality, then the company may proceed with the intended road or other work without being liable to any interruption or opposition from any source whatever. R. S. O. 1877, c. 152, s. 13.

If no by-law passed within thirty days, company may proceed.

14. Where a new road has been opened, or the line of an old road has been changed, the municipality having jurisdiction as aforesaid may pass a by-law permitting or directing the old road, or part of a road, to be closed up and embraced within the enclosure of the person from whom ground was taken to form

When old road may be closed up by by-law.

the new road, provided it does not exclude any person residing on or near the line of the old road from a convenient access to the new road. R. S. O. 1877, c. 152, s. 14.

Powers of company to explore the country and to take land and material.

15. A company formed under this Act, or any other company heretofore chartered under any Act of the Legislature of the late Province of Canada or of this Province for a like purpose, may explore the country lying between the termini of any road, or supposed to be adapted for the site of any other work connected with such road as aforesaid, and may designate, take and hold the requisite lands upon the line and within the limits of such road, or for such other work according to the provisions hereinafter contained, and may take and carry away stone, gravel, sand, earth and other like materials, from any adjoining or neighbouring lands, and may also cut, make and keep in repair, upon such adjoining or neighbouring lands, such ditches, drains and water courses as are necessary for effectually draining or carrying off the water from such road or other work. R. S. O. 1877, c. 152, s. 15.

Drainage.

Cutting down timber.

16. Where such road passes through or by any wood or standing timber, such company may cut down the trees and underwood for one hundred feet on each side of the road, making compensation therefor as hereinafter provided; and for the purpose aforesaid, the company and their agents, servants and workmen, may enter into and upon the lands of any person, doing no unnecessary damage. R. S. O. 1877, c. 152, s. 16.

Entry on lands.

In case owner of property refuses to take compensation from the company, arbitrators to be appointed.

17. If the owner or occupier of any land over, through or upon which the company desire to construct any such road or other work connected therewith, or from which they desire to take materials, or upon which they intend to exercise any of the powers given to them by this Act, neglects or refuses, upon demand made by the directors in that behalf, to agree with them upon the price or amount of damages to be paid for or for passing through or over such land, and appropriating the same to the use of the company, or for materials taken, or for the exercise of any such power as aforesaid, the company may name one arbitrator, and the owner or occupier of such land may name another, and the said two arbitrators may name a third, and the said three arbitrators shall determine the amount which the company shall pay to such owner or occupier before taking possession of such land, or taking materials therefrom, or exercising such power as aforesaid. R. S. O. 1877, c. 152, s. 17.

If the party neglects to name an arbitrator, or arbitrators cannot agree on a third.

18. If such owner or occupier neglects to name an arbitrator for the space of twenty days after having been required so to do by the company, or if the said two arbitrators do not, within the space of twenty days after their appointment, name such third arbitrator, or if any arbitrator appointed as herein provided refuses or neglects, within the space of ten

days after his appointment, to take upon him the duties hereby imposed, then, upon the application of the company, or of the owner or occupier, the Judge of the County Court of the county within which the land lies may nominate a disinterested competent person, from any township adjoining the township in which the land lies, to act as an arbitrator for the person so neglecting to name an arbitrator, or to act in the place of the arbitrator so refusing or neglecting as aforesaid, or as the third arbitrator, and any award made by a majority of the said arbitrators shall be as binding as if the three arbitrators concurred in and made the same. R. S. O. 1877, c. 152, s. 18.

County Judge to appoint.

19. In ascertaining the amount of compensation, the arbitrators shall have due regard to the benefits to accrue to the owner or occupier by the construction of the road or other work. R. S. O. 1877, c. 152, s. 19.

Regard to be had to benefits to accrue to owner.

20. Upon the amount of the compensation to be paid being determined by the award of the arbitrators, the company may tender the amount to the owner or occupier, and he shall thereupon execute a conveyance of the land to the company, or such other document as may be requisite. R. S. O. 1877, c. 152, s. 20.

When determined, the company may tender the amount.

21. The company may after such tender, and whether a conveyance or other document be executed or not, enter upon and take possession of the land for the use of the company, and hold the same, or exercise such power as aforesaid in like manner as if the conveyance thereof or other document had been executed. R. S. O. 1877, c. 152, s. 21.

After which the company may enter and possess.

22. No road or other such work shall encroach upon any building or pass through or upon any pleasure ground, garden, yard or orchard, nor shall any materials be taken therefrom, nor shall any timber be taken from any enclosed land, without the consent of the owner. R. S. O. 1877, c. 152, s. 22.

As to gardens, orchards, etc.

23. After a survey of a road has been made, the owner or occupier of land through or along which the road is intended to pass shall not, by erecting any building or enclosing any part of such surveyed land as a yard, or by planting fruit trees or forming an orchard thereon, prevent the company taking possession of the land. R. S. O. 1877, c. 152, s. 23.

Owner not to enclose, etc., in order to evade this Act.

24. In case the lands required by the company for the purpose of a road or other such work, or with regard to which such power is to be exercised as aforesaid, are held or owned by any persons, bodies politic, corporate or collegiate, whose residence is not within this Province or is unknown to the company, or in case the titles to the lands are in dispute, or the lands have been mortgaged, or in case the owners of the lands

How arbitrators shall be appointed when the owners of the lands are absent or unable to sell, or the lands are mortgaged, etc.

are unknown or unable to treat with the company for the sale thereof, or for the exercise of such power by the company, or to appoint arbitrators, as aforesaid, or in case the owners of the lands are under age, the company may name one disinterested competent person, and the Judge of the County Court of the county within which the lands lie, on the application of the company, may name another person, from any township adjoining the township in which the lands lie, which persons, together with one other such person to be chosen by them, before proceeding to arbitrate, or (in the event of their disagreeing as to the choice of such other person) to be chosen by the Judge, shall be arbitrators to determine what amount the company shall pay for the lands, or for damages, and by whom the costs of the arbitration shall be paid, and the award of a majority of such arbitrators shall be binding. R. S. O. 1877, c. 152, s. 24.

A record of the award to be registered.

25. A record shall be made and signed by the arbitrators, or a majority of them, specifying the amount awarded and the costs; and the record shall be deposited in the registry office of the registry division in or along which the lands are situated, and the company may thereupon enter upon and take possession of the lands for the use of the company, and proceed with the construction of their road or other work in, along or over the same. R. S. O. 1877, c. 152, s. 25.

Costs where award does not exceed tender.

26. In case of arbitration under this Act, if the company, before the appointment of their arbitrator, tendered a sum equal to or greater than that awarded by the arbitrators, the costs of arbitration shall be paid by the opposite party, and may be deducted by the company from the amount of the award, before payment thereof, and in case such tender is proved to the satisfaction of the arbitrators, they shall state the fact and the amount thereof in their award. R. S. O. 1877, c. 152, s. 26.

Award to be paid on demand.

27. The company shall on demand pay to the several parties entitled to the same the amount so awarded, and in the case of persons under age the amount shall be paid to their guardian, or in case none has been appointed the same shall remain a charge against the company, to be paid over when such infancy ceases. R. S. O. 1877, c. 152, s. 27.

Meetings and proceedings of the arbitrators.

28. In every case of arbitration under this Act, the arbitrators appointed shall fix a convenient day for hearing the respective parties, and shall give them eight days' notice at least of the day and place; and having heard the parties or otherwise examined into the merits of the matter brought before them, the arbitrators or a majority of them shall, within

thirty days of their appointment, make their award or arbitrament thereupon in writing, which award or arbitrament shall be final as to the amount in dispute. R. S. O. 1877, c. 152, s. 28.

29. All lands taken by such company, for the purpose of a road or other work as aforesaid, and purchased and paid for by the company in the manner hereinbefore provided, shall become the property of the company, free from all mortgages, incumbrances and other charges. R. S. O. 1877, c. 152, s. 29.

Lands taken to be free of incumbrances.

30. Whenever the directors are of opinion that it is desirable to widen, extend or alter the projected line of road or to construct a side road to intersect the original main road, or to improve or repair a road or part thereof by substituting stone, gravel, plank or other suitable material, or that the original capital subscribed is not sufficient to complete the work, the directors may, from time to time, by one or more resolutions passed by them for these purposes or any of them, widen, extend or alter the proper line of road, authorize the construction of such side roads and the making of such improvements and repairs, and the increase of the capital stock of the company. R. S. O. 1877, c. 152, s. 30.

If the directors wish to improve the road, etc., and to increase the capital.

31. A copy of such resolutions, certified under the hand of the president and sealed with the seal of the company, shall be delivered to the registrar having the custody of the original instrument who shall attach the same to the original instrument, and note thereon the time of the day and the day of the month and year of the receipt of the same; and the company shall thereupon, but subject to the acquired rights of any other company then incorporated under this or any other Act, be subject to such liabilities, and entitled to such rights, powers and privileges, in respect to the widening, extension, and alteration of the road as upon the incorporation thereof they were subject and entitled to in respect to the first line of road. R. S. O. 1877, c. 152, s. 31.

Resolutions to be transmitted to the registrar, etc.

32. The resolutions, if for the increase of the capital stock of the company, shall declare the manner in which the same is to be increased, and the same may be increased by the issue of debentures signed by the president and countersigned by the treasurer, bearing interest at the legal rate for the time being, or without interest, which debentures may be sold on such terms as the directors think fit to accept, for sums not less in amount than \$100 each, and not exceeding in the whole, including any already issued, one-half of the paid up share capital at the time of issuing the same, and by borrowing upon security of the company, by bond or mortgage of the road and tolls to be collected thereon, and by authorizing the issuing of an additional number of shares, preferential or otherwise, or by any or either of these methods as to the directors seems meet. R. S. O. 1877, c. 152, s. 32.

What the resolutions must provide for.

Stock may be called in.

33. The additional shares or stock may be called in, demanded and recovered in the same manner and under the same penalties as provided or authorized in respect of the original shares or stock of the company. R. S. O. 1877, c. 152, s. 33.

Affairs of the company to be managed by five directors.

34. The affairs, stock, property and concerns of a company formed as hereinbefore mentioned shall for the first year be managed by five directors, who shall be named in the instrument registered, and thereafter the shareholders shall, annually, on the second Monday of December, elect five directors according to the provisions of a by-law to be passed by the directors for that purpose. R. S. O. 1877, c. 152, s. 34.

Provisions of by-laws touching their election.

35. Every such by-law shall regulate—

1. The manner of voting ;

2. The place and hour of meeting for the election ; and

3. Any other matters, except the day of election, which the directors deem necessary in order to carry out the provisions of this section. R. S. O. 1877, c. 152, s. 35.

Notice of by-law to be published.

36. Every such by-law shall, for three successive weeks, be inserted in the newspaper, or one of the newspapers published nearest the place where the directors usually meet for conducting the business of the company, and the directors may alter, change or amend such by-law, and shall publish the same in the manner above provided. R. S. O. 1877, c. 152, s. 36.

Any shareholder not in arrears may be a director.

37. Any shareholder who has paid all calls made, shall be eligible as a director. R. S. O. 1877, c. 152, s. 37.

One vote for each share.

38. At any election of directors, each shareholder shall be entitled to one vote for every share of stock he holds in the company, and in respect of which he is not in arrear for any call thereon. R. S. O. 1877, c. 152, s. 38.

As to failure to elect directors at annual election.

39. If the annual election of directors does not take place at the time appointed, the directors for the last preceding year shall continue to serve until their successors are elected, and an election shall be held at such time within one month after the appointed time as may be provided for by a by-law passed for that purpose. R. S. O. 1877, c. 152, s. 39.

Calling of special meeting by shareholders.

40. One fourth part in value of the shareholders of the company shall, at all times have the right to require that a special meeting thereof, for the transaction of any business specified in such written requisition or notice shall be called, and the secretary upon receipt of such requisition or notice shall call a special meeting for the purpose of considering the matters and things in the requisition or notice specified. 49 V. c. 32, s. 1.

41. A majority of the directors shall be a quorum for the transaction of business. R. S. O. 1877, c. 152, s. 40.

42. The directors may elect one of their number to be president, and may appoint such officers and servants as they deem necessary; and in their discretion may take security from such officers and servants for the due performance of their duties, and for their duly accounting for all moneys coming into their hands for the use of the company. R. S. O. 1877, c. 152, s. 41.

A president, officers and servants to be appointed.

43. If a vacancy happens amongst the directors during the year for which they have been appointed, the vacancy shall be filled for the remainder of the year by a shareholder, who shall be appointed by a majority of the remaining directors unless some by-law or regulation of the company otherwise provides. R. S. O. 1877, c. 152, s. 42.

Vacancies occurring among directors how to be filled up.

44. Every share in the company shall be \$20, and shall be personal property, and be transferable upon the books of the company, in the manner provided by any by-law made by the directors in that behalf. R. S. O. 1877, c. 152, s. 43.

Shares \$20 each, how transferable.

45. At such time and in such payments or instalments (not exceeding ten per cent. at any one time) as the directors deem proper, and upon a notice requiring such payment inserted for four successive weeks in the newspaper, or one of the newspapers published nearest the place where the directors of the company usually meet for the transaction of business, the directors may call in and demand from the shareholders thereof the sums of money by them respectively subscribed. R. S. O. 1877, c. 152, s. 44.

Directors to make calls on shares.

46. Any shareholder neglecting or refusing, for three months after the time appointed for payment thereof, to pay any call so made, shall forfeit his shares in the undertaking, and all the profit and benefit thereof, and all such forfeitures shall go to the company for its benefit. R. S. O. 1877, c. 152, s. 45.

Shares forfeited if calls be not paid within a certain time.

47. No advantage shall be taken of such forfeiture unless the shares are declared forfeited at a general meeting of the company, held at any time after the forfeiture incurred. R. S. O. 1877, c. 152, s. 46.

How forfeitures must be declared.

48. The forfeiture shall be an indemnification to the shareholder so forfeiting, against all actions or prosecutions for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking. R. S. O. 1877, c. 152, s. 47.

Forfeiture to be an indemnification, etc.

Sale of forfeited shares.

49. The directors of the company may sell to a shareholder or to any other person, either by public auction or private sale, and in such manner and on such terms as to them seem meet, any shares so declared forfeited, or may pledge such shares for the payment of loans or advances thereon, or of any sums of money borrowed or advanced by or to the company. R. S. O. 1877, c. 152, s. 48.

Transfer to purchaser.

50. A certificate of the treasurer of the company that the forfeiture of the shares was declared, shall be sufficient evidence thereof, and if sold, the certificate expressing therein the fact of sale and the name of the purchaser, together with the receipt of the treasurer for the price of the shares sold, shall constitute a good title to the purchaser. R. S. O. 1877, c. 152, s. 49.

Certificate to be registered, etc.

51. The certificate shall be registered by the treasurer in the name and with the place of abode and occupation of the purchaser, and shall be entered in the books required to be kept by the by-laws of the company. R. S. O. 1877, c. 152, s. 50.

Purchaser not to see to the application of purchase money.

52. The purchaser of the shares so sold shall not be bound to see to the application of the purchase money, nor shall his title to the shares be affected by any irregularity in the proceedings in reference to the sale. R. S. O. 1877, c. 152, s. 51.

Company may sue for calls instead of forfeiting stock.

53. Any company may, in any Court having jurisdiction in matters of simple contract to the amount demanded, sue any shareholder in the company for any call which such shareholder neglects to pay, after notice of the call having been made has been inserted for two weeks in the newspaper, or one of the newspapers published nearest to the place where the directors of the company usually meet for the transaction of business. R. S. O. 1877, c. 152, s. 52.

Allegations in such action.

54. In any action brought by the company against a shareholder, to recover the money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the company to state that the defendant is the holder of one share or more (stating the number of shares) in the stock of the company, and that he is indebted to the company in the sum of money to which the calls in arrear amount. in respect of one call or more upon one share or more (stating the number and amount of each of such calls), whereby an action has accrued to the company, by virtue of this Act. R. S. O. 1877, c. 152, s. 53.

Proof in such action.

55. On the trial or hearing of such action, it shall be sufficient for the company to prove that the defendant, at the time of making the call, was a holder of one or more shares in the undertaking, and that such call was in fact made,

and the requisite notice thereof given; whereupon the company shall be entitled to recover the amount due upon such call, with interest thereon, unless it appears that due notice of the call was not given; and the company need not prove the appointment of the directors who made such call, or any other matter whatever. R. S. O. 1877, c. 152, s. 54.

56. Where there has been no transfer of the shares, proof of subscription by the defendant to the original agreement to take stock, shall be sufficient evidence of his holding stock to the amount subscribed. R. S. O. 1877, c. 152, s. 55.

Proof in case no transfer made.

COMPANIES FOR PURCHASING ROADS.

57. Any number of persons not less than five, may form themselves into a company for the purpose of purchasing any planked, macadamized or gravelled road, not less than two miles in length, constructed by any company on, along or over any public road or highway or allowance for road, or on, along or over any other land, and also any bridges, piers, or wharves connected therewith, constructed by any company. R. S. O. 1877, c. 152, s. 56.

Formation of companies for purchasing roads.

58. No such company shall be incorporated under this Act—

Conditions of incorporation.

1. Until the shareholders have subscribed for stock in amount sufficient in their judgment to purchase the whole of the work or works for the purchase of which the company is formed;

Amount of subscription.

2. Nor until they have executed an instrument to the purport of Schedule A annexed to this Act, with the necessary alteration in the statement of the purpose of the company;

Declaration.

3. Nor until the company, or some one of their number, or the directors named in the said instrument, have paid to the treasurer of the company six per cent. upon the amount of the capital stock mentioned in such instrument, and have registered such instrument, with a receipt from the treasurer of the company for such payment or instalment, by leaving the original instrument and receipt with the registrar of any one registry division in which such road or other work connected therewith is wholly or partly situated. R. S. O. 1877, c. 152, s. 57.

Payment on account of the stock subscribed.

Registration of declaration and receipt for stock paid.

59. Thenceforward all and every the provisions of this Act, relating to companies formed under the same for the construction of roads, and to the incorporation thereof, and to the instruments executed by the shareholders thereof, shall extend and apply to the company so seeking to be formed under this Act for the purchase of roads, and to the incorporation of such company, and to the instruments executed by the shareholders thereof. R. S. O. 1877, c. 152, s. 58.

This Act thereafter to apply to the company.

Companies may sell their roads, works and privileges.

60. It shall be lawful for a company formed and duly incorporated under this Act for constructing a road, to sell the road and works constructed by them to any company formed and duly incorporated under this Act for purchasing a road, and the latter company shall, after the purchase, or after any purchase of the road or works under any power granted by the former company or under any legal process against the former company, stand in the place and stead of the former company, and possess all such powers and authority as the former company theretofore possessed and exercised in respect to the road and works, and be subject to all and every the provisions of this Act; and section 66 of this Act shall apply to all such sales. R. S. O. 1877, c. 152, s. 59.

UNION OF COMPANIES.

Two or more companies may, in certain cases, unite as one company.

61. Any two or more companies formed for the construction or purchase of roads intersecting or contiguous to each other, may, with the consent of the shareholders representing or holding at least two-thirds of the capital stock of such companies respectively (such consent being expressed by a resolution to that effect adopted at a general meeting of the shareholders of each company, to be called for that purpose), unite and form one consolidated company, by such name and on such terms as to them seem meet. R. S. O. 1877, c. 152, s. 60.

Registry of instrument of association.

62. Upon the adoption of the resolutions, the presidents of the companies may execute under the seals thereof respectively, an instrument in the form of Schedule B to this Act, and deliver the same to the registrar of any one registry division in which the roads are wholly or partly situated or intended to be made, who shall register the same in the manner prescribed by section 5 of this Act, and from thenceforth the companies shall form one consolidated incorporated company, by the name designated in such instrument, with all the powers and subject to all the liabilities of other companies formed under this Act. R. S. O. 1877, c. 152, s. 61.

Rights and liabilities of company formed by such union.

63. All the roads, estate, property and effects, with the rights and privileges of such two or more companies, shall, after such consolidation, be vested in and be used and enforced by the consolidated company, which shall also be subject to and responsible for all debts, contracts and liabilities of the former companies, in the same manner and to the same extent as if the consolidated company had been originally composed of one company only, and not by the union of two or more companies. R. S. O. 1877, c. 152, s. 62.

SALE OF ROADS.

Companies may sell their works and rights to municipalities.

64. A company formed under this or any former Act may sell to any municipal council representing the interests of the locality through or along the boundary of which such road

passes, or in which the work is situate, and the municipal council may purchase the stock of the company, or any part of the road belonging to the company, at the value that may be agreed on between the company and the municipal council ; and the municipality may hold the same for the use and benefit of such locality, and shall, after the purchase stand in the place and stead of the company, and possess all such powers and authority as the company theretofore possessed and exercised in respect to the road or part of road, or other work purchased. R. S. O. 1877, c. 152, s. 63.

65. The municipal council may sell any work or macadamized, plank, or other toll road which they have constructed or purchased, or any stock held in any road or other company, and apply the proceeds of such sale to the payment of existing debts contracted for the construction of the same, or for such stock ; or if no debt exists for such work, road or stock, then to the general purposes of the municipality, or otherwise, as they may determine. R. S. O. 1877, c. 152, s. 64.

Municipalities may sell roads, etc.

Application of proceeds.

66. In case a road, bridge or pier, or wharf constructed by a joint stock company, incorporated under the laws of Ontario, has been heretofore or is hereafter sold either by the joint stock company or under some power granted by them, or under legal process against the company, the sale or sales shall in all cases, be deemed to have passed and to pass the roads, bridges and piers, or wharves to the purchaser or purchasers thereof, with all the rights, privileges and appurtenances, and subject to all the duties and obligations which the law gave or imposed with reference to the road, bridge, pier or wharf, whilst the same continued the property of the joint stock company which had constructed the same. R. S. O. 1877, c. 152, s. 65.

Sale of works to pass the rights of the Company with respect to such works, to the purchaser.

POWERS OF MUNICIPAL COUNCILS.

67. A municipal council or company which has already acquired or made, or which hereafter acquires or makes, such macadamized, plank or other road, may search for and take materials for making and keeping the road in repair, in the same manner as companies for the construction of roads under this Act, and the price or damage to be paid to any person for such materials, or for anything done in pursuance of the powers hereby given, shall, if not agreed upon by the parties concerned, be settled by arbitration in the manner herein provided in the case of lands or materials taken or required for the original construction of such road or other work. R. S. O. 1877, c. 152, s. 66.

Companies may search for and take materials for making or repairing roads.

68. A municipal council, having jurisdiction within the locality through or along the boundary of which such road passes, or in which such work is constructed, may subscribe

Municipalities may acquire stock in such company.

for, hold, sell and transfer stock in any company formed under this or any former Act passed for the like purpose, and may from time to time direct the mayor, reeve, warden or other chief officer of the municipality on behalf thereof, to subscribe for such stock in the name of the municipality, and to act for and on behalf of the municipality in all matters relative to such stock, and the exercise of the rights of the municipality as a shareholder, and the mayor, reeve, warden or other chief officer shall, whether otherwise qualified or not, be deemed a shareholder in the company, and may vote and act as such, subject to any rules and orders in relation to his authority, made in that behalf by the by-laws of the municipal council or otherwise, and may vote according to his discretion in cases not provided for by the municipality. R. S. O. 1877, c. 152, s. 67.

Municipalities
may raise
money to pay
for such stock.

69. The municipal council may pay all instalments upon the stock they subscribe for and acquire, out of any moneys belonging to the municipality, and which are not specially appropriated to any other purpose, and may apply the moneys arising from the dividends or profits on the said stock, or from the sale thereof, to any purpose to which unappropriated moneys belonging to the municipality may lawfully be applied. R. S. O. 1877, c. 152, s. 68.

Municipality
controlling
stock not to
elect more
than a major-
ity of the
directors.

70. Where a municipal council holds stock in the company, and is by law entitled to vote for the election of directors, and holds a controlling amount of the stock in the company, such council shall only vote for and elect such number of directors as will suffice to form a majority of the board of directors, and the shareholders, other than such corporation, shall elect the other directors. R. S. O. 1877, c. 152, s. 69.

Municipalities
may loan
money to
companies.

71. The municipal council of any locality through or along the boundary of which such road passes, or within which any such work connected therewith is constructed, may, out of the moneys belonging to the municipality and not appropriated to any other purpose, lend money to the company authorized to make the road or construct the work, or to any company heretofore chartered by Act of the Legislature for a like purpose, and upon such terms and conditions as may be agreed on between the company and the municipality making the loan, and the municipality may recover the money so loaned and appropriate the same to the purposes of the municipality. R. S. O. 1877, c. 152, s. 70.

And issue
debentures.

72. The municipal council may issue debentures for the payment of any loan negotiated by them with such company, in the same manner and subject to the same conditions as required by law with regard to the issuing of other debentures. R. S. O. 1877, c. 152, s. 71.

73. The provisions of the last preceding five sections shall in so far as respects the municipal councils of cities and towns, apply to all cases of companies formed under this Act, or heretofore chartered by any Act of the Legislature, for the formation of roads or the construction of bridges within or without such cities and towns respectively. R. S. O. 1877, c. 152, s. 72.

The provisions of the last five sections to apply to municipal councils of cities and towns.

MATERIALS.

74. The directors of the company or the municipal council having the management of any road, may acquire, take and hold any gravel bed, and may take and carry away stone or gravel from any lands lying within the township through or along which their road or any portion thereof passes, for repairing the same, subject to arbitration in the manner herein provided, in case the owner of the gravel bed or materials cannot agree with the directors or council as to the compensation to be paid therefor. R. S. O. 1877, c. 152, s. 73.

Company may acquire gravel beds, etc. Provision for arbitration.

75. A company formed for the construction of a turnpike road under this Act, or under any of the Acts in section 2 of this Act referred to, may in their discretion form the same in part or the whole, either of metal, gravel, timber, charcoal or any other suitable material for constructing a firm, substantial and smooth surface, whether the material be mentioned in the registered instrument of incorporation or not. R. S. O. 1877, c. 152, s. 74.

Of what materials roads may be made.

76. Every road or other work connected therewith, and all materials from time to time provided for constructing, maintaining, widening, extending or repairing the same, and all toll-houses, gates, and other buildings, constructed and acquired by or at the expense of any company acting under this Act, and used for their benefit and convenience, shall be vested in such company and their successors. R. S. O. 1877, c. 152, s. 75.

Roads or other works and materials for the same vested in companies and their successors.

77. Every company incorporated under this Act or any of the Acts in section 2 of this Act referred to shall, whenever it may be necessary, sow with grass seed all cleared land or ground belonging to the company and adjoining their road or roads, and cause the same, so far as may be, to be covered with grass or turf, and cause all thistles and other weeds growing on the land or ground to be cut down and kept constantly cut down, or to be rooted out of the same; and if the company fails so to do, the company shall thereby incur a penalty of \$2 for each day on which they fail to comply with any of the requirements of this section, within eight days after having been required to comply with the same by a notice to be served on the company on the part of the reeve of the municipality of the township within which the land or ground lies. R. S. O. 1877, c. 152, s. 76.

Road companies to lay down in grass all cleared lands belonging to them and adjoining their roads.

Penalty for default.

On default
municipality
may do work.

78. If the company does not, within eight days, comply with the notice, the reeve may cause all such things to be done as the company were by the notice lawfully required to do, and the municipality may recover, to and for the use and purposes of the municipality, the expense of so doing, together with the penalty, and all costs and charges, from the company, in any Court having jurisdiction in civil cases to the amount sought to be recovered. R. S. O. 1877, c. 152, s. 77.

TIME FOR COMPLETION OF ROADS.

Roads, etc., to
be completed
within a cer-
tain period
after incorpo-
ration of Com-
panies.

Penalty for
default.

79. Every company shall, within two years from the day of their becoming incorporated, complete every road or extension thereof, not more than five miles in length, and any other work undertaken by them, and for the completion whereof they have become incorporated, and in default thereof they shall forfeit all the corporate and other powers and authority which they have acquired, and all their corporate powers shall thenceforth cease and determine, unless further time is granted by a by-law of the county in which the road or the greatest portion thereof is situated. R. S. O. 1877, c. 152, s. 78.

Periods for
completion in
different cases.

80. If the road or extension thereof exceeds five miles in length, then the company shall complete in each and every year after the expiration of the first two years as aforesaid, not less than five miles of the road until the same is entirely finished, under pain (unless further time be granted as aforesaid) of forfeiture of their charter and of the corporate powers and authority thereby acquired, so far as concerns the portion of the road which remains unfinished. R. S. O. 1877, c. 152, s. 79.

ABANDONMENT OF ROADS.

Abandonment
of road and
assumption
thereof by the
council.

Abandonment
of part.

81.—(1) A company formed under this Act, or any of the Acts in section 2 of this Act referred to, may by by-law abandon the whole or any portion of their road.

(2) After the abandonment of a portion of such road, the municipal council of any municipality, within which the road or any part thereof lies, may assume such abandoned portion of the road as lies within the municipality, and have and exercise the same jurisdiction over the same and be liable to the same duties as such council has or is subject to, in respect to the public roads within its jurisdiction.

Abandonment
of a whole
road.

(3) The abandonment of the whole road shall be signified by the head or president of the company, by a notice in writing, delivered to the municipal council of the county wherein the road or any part thereof lies; and until the delivery of such notice as aforesaid, the company shall be liable in any action for damages arising from the unsafe

condition of the road, and after the abandonment the municipal council of any county within which the road or any part thereof lies, may assume such abandoned portion of the road as lies within the county, and have and enjoy all the rights, and be subject to all the responsibilities and liabilities, as provided in section 122 of this Act.

(4) Failing such action on the part of the county council the road shall then be subject to the same jurisdiction for the control and repair thereof as further provided in section 123 of this Act; but no such company shall be entitled to abandon any intermediate portion of their road without the consent of the municipal council of the county within which the portion of the road lies, such consent to be expressed by by-law of the municipal council; nor shall any road company or municipal council be entitled to collect tolls upon any remaining portion of the road, less than five miles in extent, if the road originally exceeded five miles in length. R. S. O. 1877, c. 152, s. 80.

82. The several sections of this Act which provide for the resumption of roads by municipalities, the removal of material and buildings from the same and of intermediate portions thereof, shall not be held to apply to roads constructed by a company or corporation on private property, or acquired by a company from private owners. R. S. O. 1877, c. 152, s. 81.

Certain sections not to apply to private roads.

TOLLS ON ROADS, ETC.

83. The president and directors of a company may from time to time fix, regulate and receive the tolls and charges to be paid by persons passing and repassing with horses, carts, carriages and other vehicles, and for cattle, swine, sheep or other animals driven upon, over and along the road of the company, or by persons passing over any bridge with such carriages or animals, or using any work constructed, made or owned by the company. R. S. O. 1877, c. 152, s. 82.

Tolls how to be fixed, paid and levied.

84.—(1) Whenever two or more miles of such road or extension thereof have been completed, tolls may be taken therefor, but tolls shall not be taken on any other work of the company until the same has been completed.

When tolls may be collected.

(2) In case a bridge, whether under the jurisdiction of a municipal council or otherwise howsoever, intervenes or forms part of the line of the road, the same shall not be held to affect the rights of the company under this section, reserving always the rights and obligations of the municipality or other owner thereof over the bridge.

Bridges under municipal control.

(3) In case of companies constructing plank roads, the completion of the laying of the planks shall be deemed a compliance with the requirements of this Act for the purpose of erecting toll-gates, and it shall not be lawful for any inspecting

What shall be a sufficient completion of the road within the time limited.

engineer appointed as hereinafter provided to condemn such road, except as regards the plank roadway, until the expiry of eighteen months after the erection of toll-gates; and such companies shall be allowed eighteen months exemption from the operation of section 100 of this Act, as far as the completion of their ditches and side grading is concerned, to enable them to complete the same according to the plans and specifications of their works. R. S. O. 1877, c. 152, s. 83.

Limitation of
tolls.

Rev. Stat.
c. 196.

85. Subject to the provisions of *The Act exempting certain Vehicles, Horses and Cattle from Tolls on Turnpike Roads*, and of section 95 of this Act, tolls may be taken by any company at each time of passing each gate upon the road constructed or owned by the company, for any portion of such road on either side or on both sides of the said gate (not being more than five miles) to the next gate or gates on the same road, if any, and not exceeding five miles in the whole, or for the whole of the road if the length thereof does not exceed five miles and there is only one gate thereon, at the following rates per mile, that is to say:

(a) For every vehicle, whether loaded or otherwise, and for the horse or other beast, or one of the horses or other beasts drawing the same, two cents; and for every additional horse, or other beast drawing such vehicle, one cent;

(b) For every horse with or without a rider, one cent;

(c) For each head of neat cattle, one cent;

(d) For every score, or number less than a score, of sheep or swine, one cent; and

(e) In addition to the above rates, one cent for every one hundred pounds, over and above four thousand, which a loaded vehicle weighs. R. S. O. 1877, c. 152, s. 84.

Extra tolls.

86. Every vehicle loaded with masts, spars, hewn or round timber or otherwise, exceeding in weight two tons, shall, at each time of passing each gate, pay for each ton over and above two tons, the sum of fifty cents, and all vehicles with wheels, used for the above purpose, shall have not less than five inch tires, under penalty of paying double the amount of toll above provided. R. S. O. 1877, c. 152, s. 85.

When any
such road in-
tersects an-
other.

87. Where a road constructed under this or any former Act intersects a road constructed or owned by another chartered company, no higher rate of toll shall be demanded from the persons travelling along the said last mentioned road, for the distance travelled between such intersection and either of its termini, than the rate per mile charged by the company for travelling along the entire length of their road so

intersected; but it shall be incumbent on such persons to produce a ticket from the last toll-gate on the intersecting road as evidence of their having travelled only from such intersection. R. S. O. 1877, c. 152, s. 86.

88. A company formed under this or any former Act may, with the sanction of the council of the county having jurisdiction in the locality, charge a higher rate of toll than is hereby authorized, at any toll-gate erected at a bridge upon or connected with a road constructed by the company; and the council, in sanctioning such additional toll, may take into account the cost of the bridge, and may calculate the toll as if for so many additional miles of road as might have been constructed by the like expenditure. R. S. O. 1877, c. 152, s. 87.

Tolls at bridges may, with consent of county council, exceed the said rates.

89. Such last mentioned tolls shall be collected in the same manner, and persons evading the same shall be liable to the same penalties as herein provided with respect to other tolls. R. S. O. 1877, c. 152, s. 88.

Collection of extra tolls.

90. Every such company may erect such number of toll-gates, check-gates, and side-bars in, along or across the said roads, and upon any other such work respectively, and fix, regulate and collect such tolls not exceeding the rates hereinbefore provided, to be collected at each gate, check-gate, or side-bar, as they deem expedient, and may from time to time alter the tolls, toll-gates, check-gates and side-bars, and may erect and maintain such toll-houses, toll-gates, check-gates, side-bars and other buildings and erections as are necessary and convenient for the due management of the business of the company. R. S. O. 1877, c. 152, s. 89.

Companies authorized to erect toll and check-gates, etc.

91. No tolls shall be taken for merely crossing a road, or for travelling thereon in crossing from one transverse road to another, when the distance between such transverse roads does not exceed one hundred yards. R. S. O. 1877, c. 152, s. 90.

As to vehicles merely crossing a road.

92. In case a company deems it necessary or convenient to erect a check-gate on any part of their road, they shall not demand toll at both the check-gate and the gate to which it acts as a check: but tickets shall be issued at the check-gate, on payment of the toll demanded, clearing the principal gate, and *vice versa*; and the distance regulating the rates of toll shall not be calculated between any of the check-gates and the principal gates on such road, but only between the principal gates themselves. R. S. O. 1877, c. 152, s. 91.

Tickets to be given at check-gates to pass principal gate, and *vice versa*.

93. The directors of a road company may, from time to time, commute with any person whose place of abode adjoins or is within half a mile of the gate nearest to his place of abode on such road. R. S. O. 1877, c. 152, s. 92.

Directors may commute for tolls.

As to money
change.

94. No gate-keeper shall be bound to give change for a larger amount than \$1. R. S. O. 1877, c. 152, s. 93.

Exemption
from toll.

95. The following persons shall be exempted from the payment of any duties or tolls on embarking or disembarking from or upon any pier, wharf, quay or landing-place, or passing any turnpike roads or bridges, or passing any toll-gate or road made or improved under this or any former Act:

1. Her Majesty's officers and soldiers being in proper staff, or regimental or military uniform, dress or undress, and their horses (but not when passing in any hired or private vehicle, unless when on duty or proceeding to or from the same);

2. Recruits marching by route;

3. Prisoners under military escort;

4. Enrolled pensioners in uniform, when called out for training or in aid of the civil power;

5. Carriages and horses belonging to Her Majesty or employed in her service when conveying such persons or their baggage, or returning therefrom;

6. Persons, horses or carriages going to or returning from a funeral;

7. Any person with horse or carriage going to or returning from his usual place of religious worship on the Lord's day; *See also* Cap. 196, s. 2.

8. Any farmer residing on the line of such road passing any toll-gate opposite to and immediately adjoining his farm, when going to or returning from his work on such farm; *See also* Cap. 196, s. 3.

Vehicles laden
with manure
to pass free of
toll through
turnpike
gates.

9. Every person with a vehicle laden solely with manure brought from any city, town or incorporated village, and employed to carry such manure into the country parts for the purpose of agriculture, and the horse or horses or other beasts of draught drawing such vehicle, passing any turnpike gate or toll-gate, on such road within twenty miles of such city, town or incorporated village, as well in going from such city, town or incorporated village, as in returning thereto if the vehicle be then empty. R. S. O. 1877, c. 152, s. 94. *See also* Cap. 196, s. 4.

Tolls may be
charged on
mail carriages,
etc.

Exception as
to certain
roads.

96. Tolls may be charged on vehicles carrying the mails upon a road or bridge constructed under this or any former Act, or under any special or private Act of incorporation; but as regards all roads and bridges constructed by the Government or Board of Works of the late Provinces of Canada or Upper Canada, and transferred to any company on condition

that the mail should pass free over the same, an exemption from toll shall continue in favour of the mails. R. S. O. 1877, c. 152, s. 95

97. In the case of such last mentioned road or bridge, there shall be no such exemption in favour of any mail stage or other vehicle drawn by two horses and carrying the mail, and containing or having more than four passengers travelling thereby, or in favour of any mail stage or other vehicle drawn by four horses and carrying the mail, and containing or having more than eight passengers travelling thereby; but every mail stage or vehicle drawn by two horses and containing more than four passengers, and every mail stage or vehicle drawn by four horses and containing or having more than eight passengers travelling thereby, shall for every extra passenger beyond four or eight respectively be liable at each gate to a toll of two cents. R. S. O. 1877, c. 152, s. 96.

Exception limited on the roads last mentioned.

Rate of toll if mail carriage has more than 4 or 8 passengers respectively.

98. Nothing herein contained shall affect the rate of toll which any party is entitled to collect under any lease or contract executed before the 14th day of June, 1853. R. S. O. 1877, c. 152, s. 97.

As to roads under lease before the 14th June, 1853.

REPAIR OF ROAD.

99. After a road or portion of a road, bridge, or other such work, constructed or acquired by a company or municipality under this or any former Act, has been completed and tolls established thereon, the company or municipality shall keep the same in repair. R. S. O. 1877, c. 152, s. 98.

Company to keep roads in repair.

100. If such company or municipality suffers a portion of their road on which tolls have been taken to get out of repair, the Judge of the County Court in the county in which such road is situated, may, upon the requisition of six freeholders residing within one mile from the road, or upon the requisition of any municipal council within such county, stating that the road is so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, direct a competent engineer, not being a shareholder in the road company, or an officer in the municipal council, owning the road, to examine the road; but the requisition shall not be presented to the County Judge until at least six days' written notice thereof, (signed by one or more of the said freeholders, or by the head of such council if notice is given by a municipal council,) has been given in the manner provided by section 102 of this Act. 46 V. c. 13, s. 1.

Power of County Court Judge to order examination of roads out of repair.

101. Where an engineer has been so directed by the Judge of the proper County Court to examine any road, the engineer, shall, before proceeding to make his examination, be

Engineer to be sworn, etc.

sworn before the County Judge, or some Justice of the Peace for the county, carefully and impartially to examine into the state of the road, without favour or affection for either party; and the County Judge or Justice of the Peace shall grant a certificate that the engineer has been so sworn before him, which certificate shall be evidence that the engineer has been so sworn. R. S. O. 1877, c. 152. s. 100.

Engineer to
notify Com-
pany if road
out of repair.

102.—(1) The engineer so appointed shall, upon receiving such directions immediately inspect and examine the road, and if upon such examination the road is found so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, as stated in the requisition, he shall notify the president of the company or head of the municipality to which the road belongs, by leaving a written notice at the office or place of business of the president or head of the municipality, if there is such office or place of business within the county wherein the road is situated, and the office or place of business is known to the engineer, and if not so known, then by leaving the notice with any of the keepers of the toll-gates belonging to the company or municipal council.

(2) The notice shall state that in pursuance of directions from the Judge of the County Court he has inspected their road and found it to be out of repair, and shall specify the particular portions or portion of the road which he finds out of repair, and require them to take notice thereof, and to cause the same to be repaired within a certain time, to be named in the notice; and the time shall be such as in the opinion of the engineer will be sufficient for making the required repairs. R. S. O. 1877, c. 152, s. 101 (1, 2).

(3) It shall be competent for the engineer to make a special report to the Judge of the County Court, that the road inspected by him is as to the whole or as to a certain portion thereof, so much out of repair as in his opinion to justify an order for the cesser of the right to tolls, in respect to the whole or to the portion of the road described, and upon service of a copy of the special report on the president of the company or head of the municipality to which the road or roads belong, in the manner hereinbefore provided, neither the directors of the company nor the municipal council nor any person authorized by them shall demand or take any toll from any person travelling with or without any beast or vehicle for passing through the nearest toll-gates, whereat tolls were being collected at the time of the special report on the road, or on either side of the portion or portions of the road so out of repair, under the penalty mentioned in section 108 of this Act, until the engineer or an engineer approved by the Judge of the County Court has again examined the road and certified it to be in good and efficient repair, or unless the Judge of the County Court shall otherwise order, under proceedings to be

taken and had, similar to the case of directors disputing that their road is out of repair under the provisions of section 104 of this Act. 46 V. c. 13, s. 2.

103.—(1) At the expiration of the time limited in the notice for the repairing of the road, the engineer shall again examine the road, and if he finds the same repaired in a good and efficient manner, he shall certify the same if required by the directors or municipal council.

Proceedings in expiration of time limited in notice.

(2) If he does not find it so repaired, he may, in his discretion, by a permission in writing, allow further time for repairing the same without discontinuing the taking of tolls.

(3) If he does not think proper to grant such permission, or if having granted it he does not find the road properly repaired at the expiration of time limited in such permission, then until such repairs are completed neither the directors nor municipal council (as the case may be) shall demand or take any toll from any person travelling with or without any beast or vehicle, for passing through the nearest toll gates whereat tolls were being collected at the time of the notice on either side of the portion or portions of road so notified as out of repair, under the penalty mentioned in section 108 until the engineer has again examined the road, and certified it to be in good and efficient repair. R. S. O. 1877, c. 152, s. 102.

104.—(1) If the directors of the company or the municipal council dispute their road being so out of repair, as reported by the engineer in the notice so given, the directors or municipal council may, within five days next after the service of the notice by the engineer, make application either verbally or in writing to the Judge of the County Court who issued directions to the engineer for the examination of the road.

Proceedings if it be disputed that road is out of repair.

(2) The Judge shall forthwith, after such application, by a summons under his hand, require the attendance of the engineer and the directors or municipal council at such time being within ten days next after such application, and at such place as may be fixed in the summons.

(3) The Judge shall hear and examine under oath or affirmation such witnesses as may be offered on behalf of either party, and after hearing the evidence shall decide and certify whether the road or portion so reported out of repair is or is not so out of repair.

(4) If the Judge decides that the road is so out of repair as certified by the engineer, then, after such decision, the directors or municipal council shall cease to take any toll at the toll-gate as hereinafter mentioned until the repairs are fully completed.

(5) The costs of the hearing and examination shall be in the discretion of the Judge.

(6) After such application by the directors or municipal council, and until the decision of the Judge, the Judge may in his discretion allow the directors or municipal council to collect tolls or may prohibit the collection of tolls at the gate or gates on either side of the portion of road so reported by the engineer to be out of repair. R. S. O. 1877, c. 152, s. 103.

Neglect to repair, and cesser of right to tolls.

105.—(1) After the expiration of the time limited in the notice or permission referred to in sections 102 and 103 (or in case of a reference to the County Judge, as provided in section 104 of this Act, then after the decision of the Judge, if the decision is against the directors or municipal council), and until such repairs are completed, neither the directors of the company nor the municipal council, nor any person authorized by them, shall demand or take any toll from any person travelling with or without any beast or vehicle for passing through the nearest toll-gates whereat tolls were being collected at the time of the notice, on either side of the portion or portions of road so out of repair, under the penalty mentioned in section 108 of this Act, until an engineer, approved by the Judge of the County Court, has again examined the road and certified it to be in good and efficient repair.

Materials not to be removed from road.

(2) After the notice or decision of the County Judge in the manner aforesaid, and until the repairs have been completed as directed by the engineer, no company nor any person shall be entitled or permitted to destroy, take, remove or carry away from such road any earth, stone, gravel, plank, or other material forming any part of the road, or having been used in the construction of the same, nor any toll-house, toll-gate, toll-bar, or any appendages thereto belonging.

Penalties.

(3) Any company or any person destroying, taking away, or removing such earth, stone, gravel, plank or other material, toll-house, toll-gate, toll-bar, or any appendages thereto belonging, contrary to the provisions of this Act, shall be liable to prosecution by the municipal council of the municipality wherein the road lies and whereon such earth, stone, gravel, plank or material, toll-house, toll-gate, toll-bar, or appendages belonging thereto are situate, and shall, on conviction in the manner provided in section 138 of this Act, incur the penalties in the said section mentioned; which penalties when recovered shall be paid over to the municipal council bringing the action, and shall form part of the public funds of the municipality. R. S. O. 1877, c. 152, s. 104.

Partial want of repair.

106.—(1) In case of the sudden damage or destruction of any portion of a road, or of a bridge or culvert, caused by freshet or fire, or in case the directors or municipal council desire to take down any bridge or culvert for the purpose of rebuilding the same, the engineer, if required to examine the road in accordance with this Act, shall, in case the remaining

portions of the road are in a suitable state of repair, allow a reasonable time for the repair of such portion of the road, or the erection or construction of such bridge or culvert, and shall give notice in writing to the directors or municipal council of the time so allowed to repair, erect or construct the same; and the directors or municipal council may collect tolls during the time specified in the notice for the repair of the road or the erection or construction of the bridge or culvert.

(2) In all cases wherein the directors or municipal council are entitled to take toll in virtue of the last preceding sub-section, such directors or municipal council, within a limited time after such sudden damage or destruction has occurred as aforesaid, to be fixed by the engineer, shall provide a temporary passage to safely enable any person travelling with or without a beast or vehicle over the road to pass by the portion of road, bridge or culvert so being out of repair or being taken down for the purpose of rebuilding the same. R. S. O. 1877, c. 152, s. 105.

107.—(1) In case the directors or municipal council neglect or refuse to erect or construct such bridge or culvert, or repair such portion of road as aforesaid, within the time specified in the notice so given by the engineer; or refuse or neglect to provide such temporary passage for the use of the travelling public as in the next preceding section required, the portion of road so damaged or whereon the bridge or culvert so damaged or destroyed as aforesaid existed, shall be deemed to be out of repair, and the engineer shall thereupon give to the directors or municipal council a notice in the manner provided in section 102 of this Act.

Neglect to repair, and cesser of right to tolls.

(2) The notice shall set forth that the time fixed for the repair of the portion of road, bridge or culvert has expired, and that the repairs have not been completed, or that the temporary passage has not been constructed within the time fixed for constructing the same, and that henceforth until the repairs have been fully completed, the directors or municipal council shall not demand or take toll at the gate or gates at or on either side of the portion or portions of road, bridge or culvert so out of repair, under the penalties imposed by the next succeeding section of this Act. R. S. O. 1877, c. 152, s. 106.

108. If after the expiration of the time limited in the notice or permission referred to in sections 102 and 103 (or the notice referred to in the last preceding section, or the decision of the County Judge, as the case may be), and before the required repairs have been completed, any person acting as a keeper of such toll-gate demands or takes toll, or refuses to allow a person travelling as aforesaid to pass through the toll-gates without payment thereof, he shall, upon conviction before a Justice of the Peace for the county in which the toll-gate is situated, upon the oath of one credible witness forfeit, and pay

Penalty for taking toll when the road is out of repair.

a sum of not less than \$1 nor more than \$4 for every such offence, to be collected or enforced in the manner prescribed for the collection or enforcement of other penalties under this Act. R. S. O. 1877, c. 152, s. 107.

Costs of examination of the road.

109. If the engineer, on his first examination of the road, finds it to be in good repair, the costs attending the requisition to the County Judge and the examination of the road, shall be paid by the freeholders who made the requisition; but if he finds it to be out of repair as aforesaid, the costs of the requisition to the County Judge and of the visits and examination of the engineer, and all subsequent costs and expenses, shall be borne by the company or municipality bound to repair the road, and shall be recoverable from the company or municipality, either by the engineer or by the freeholders making the requisition to the County Judge, if they have paid the same to the engineer; and the costs shall include a fair remuneration to the engineer for his services, and all his necessary disbursements. R. S. O. 1877, c. 152, s. 108.

Another engineer may be appointed in certain cases.

110. If the engineer first appointed by the County Judge becomes, from any cause, unable to make or complete the examination, or to do or complete any proceeding required of him by this Act, in relation to such requisition as aforesaid, then the Judge of the proper County Court, being satisfied thereof, may, upon the application of any of the parties interested, appoint some other engineer to make or complete such examination, or do or complete such proceeding, act or thing, as effectually to all intents and purposes as the engineer first appointed might have done, and the costs and disbursements of the engineer so appointed may be recovered in like manner. R. S. O. 1877, c. 152, s. 109.

In case of question as to sufficient repair, directors to appoint an arbitrator.

111.—(1) Where the directors of the company or municipal council, after the service of a notice to repair given by the engineer in the manner hereinbefore provided, have put the road into such repair as that in their judgment Her Majesty's subjects are not impeded or endangered travelling thereon, and the engineer refuses or neglects to accept the repairs as sufficient, the directors, or municipal council may appoint an arbitrator, and give notice thereof in writing to the persons signing the requisition upon which the order for examination of the road in question was issued, or to any two of them, calling upon them to appoint an arbitrator in the matter on their behalf, within six days after the service of the notice, and to notify the directors or municipal council of such appointment; and in default thereof, the sheriff of any county within which such road lies, shall, within four days after a request in writing made upon him by the directors or municipal council, appoint such second arbitrator, and the two arbitrators so appointed shall forthwith appoint a third arbitrator in the matter.

(2) In no case shall the engineer, or a member of the company or council concerned, be appointed or act as arbitrator.

(3) A list of the persons signing the requisition shall be furnished by the Judge upon a written request made to him by the directors or municipal council. R. S. O. 1877, c. 152, s. 110.

112. If, after the two arbitrators have been appointed as aforesaid, they fail or neglect for the space of six days to appoint a third arbitrator, the Judge of the County Court of the county within which the road lies, shall, within four days after a request in writing made upon him by either of the two arbitrators appointed as above, appoint a third arbitrator. R. S. O. 1877, c. 152, s. 111.

In certain cases Judge to appoint third arbitrator.

113. The arbitrators, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or in case of those who by law affirm, make and subscribe the following affirmation), before any Justice of the Peace :

Oath to be taken by arbitrators.

“I, A. B., do swear (or affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises according to the evidence : So help me God.”

which oath or affirmation shall be filed with the award. R. S. O. 1877, c. 152, s. 112.

114.—(1) The arbitrators shall, within six days after the appointment of the third arbitrator, examine the road, and at a sitting to be held by them as convenient as may be to the portion of the road so examined, shall examine under oath or affirmation such witnesses as may be presented for examination on behalf of either party to the arbitration.

Proceedings on arbitration.

(2) Due notice of such sitting shall be given to the directors of the company or municipal council, and to any two of the persons signing the requisition. and any such sitting may be adjourned from time to time.

(3) In case the arbitrators are of opinion that the then state of the road, if in a condition not to impede or endanger Her Majesty's subjects and others travelling thereon, is so in consequence of the action of the frost or snow, or condition of the weather, and not from suitable and proper repairs having been made at the expense of the said company or municipal council, they shall adjudge the costs of the arbitration against the directors of the company or municipal council, and shall make an award in writing setting forth the condition of the road, and whether the same is in such condition so as not to impede or endanger Her Majesty's subjects and others travelling thereon, and whether such condition arises from the action of frost or snow, or condition of the weather, or from suitable and proper repairs having been made at the expense of the directors of the company or municipal council.

Case of repair by weather.

Want of repair to be set out by arbitrators.

(4) In case the road is not in a proper state of repair they shall set forth what repairs are necessary to be made, and shall allow a reasonable time for so repairing the road, taking into consideration the facilities for obtaining the material to repair the road as required, and the arbitrators may permit the directors of the company or municipal council to levy, or may prohibit them from levying tolls, while the repairs are being completed, as to them may seem fit and proper. R. S. O. 1877, c. 152, s. 113.

Award to be in duplicate.

115. The award shall be in duplicate, one copy whereof shall forthwith be filed in the office of the First Division Court of the county in which the road, or the greater part of it is situated, and the other copy shall be served upon the president of the road company or upon the head of the municipal council, as the case may be; and the award of the arbitrators, or of any two of them, shall be final and binding on all parties. R. S. O. 1877, c. 152, s. 114.

Examination and delivery of certificate of repair of the road to the directors, etc.

116. At the expiration of the period so fixed by the arbitrators, or sooner if required by the directors of the company or municipal council, the arbitrators shall examine the road, and if the repairs are completed as by their award required, they shall deliver a certificate to that effect to the directors of the company or municipal council, or if they find the repairs not completed they may, if they consider it just, extend the time for the completion of the repairs so required to be done by the award from time to time to such period as they deem proper, and notice of such extension shall be given to the directors of the company or the head of the municipality: and the arbitrators may permit the directors or the municipal council to levy, or may prohibit them from levying tolls while the repairs are being completed, as to them seems just and proper. R. S. O. 1877, c. 152, s. 115.

Provision in case of failure of arbitrators to examine.

117. In case the arbitrators refuse or neglect to examine the road within two days next after being required by the directors or municipal council so to do, by written notices signed by the head of the company or municipal council, and served personally upon the arbitrators or left at each of their last and most usual places of abode, the directors or municipal council shall be entitled to levy and collect tolls in the same manner as if the arbitrators had examined and certified the road to be in a fit and proper state of repair. R. S. O. 1877, c. 152, s. 116.

Costs of arbitration.

118. The arbitrators shall, subject however to the provisions of sub-section 3 of section 114 of this Act relating to the costs of the arbitration, assess and award the payment of the costs of the arbitration by the directors of the road company, or the municipal council, or the petitioners, or in such proportion

as against one or all of them, as to the arbitrators seems just, and shall file a copy of the award for such costs in the First Division Court of the county in which the road, or the greater part of it, lies, and the award shall thereupon become a judgment of the said Court, and the payment of the costs may be enforced by execution in the same manner as a judgment of the said Court. R. S. O. 1877, c. 152, s. 117.

119. In case of difference between the three arbitrators, the decision of any two of them shall be conclusive. R. S. O. 1877, c. 152, s. 118. Decision of majority binding.

120. A fee not exceeding \$4 per diem, for the time necessarily expended by them in the matter of the arbitration, shall be paid to each of the arbitrators making the award, and shall be included in their award as part of the costs of the arbitration. R. S. O. 1877, c. 152, s. 119. Fees to arbitrators.

121. In case the company or municipal council owning the road, as aforesaid, does not cause the portion or portions of the road so out of repair, as aforesaid, to be put in a proper state of repair within three months next after the expiration of the time fixed in the written notice to repair, so given by the engineer in the manner above provided, the company or municipal council, as the case may be, shall not demand or take any toll from any person travelling with or without beast or vehicle, for passing through the nearest two toll-gates on or on either side of the portion or portions of the road so out of repair, under the penalty mentioned in section 108 of this Act, until the engineer has again examined the road, and certified it to be in good and efficient repair; and for every additional three months' time respectively thereafter during which the said portion or portions of the road is or are not put in a proper state of repair, to be certified by the engineer or arbitrators in the manner provided herein, the company or municipal council shall forfeit the right to demand or take toll for two additional toll-gates, being those on either side of the toll-gates in respect to which they had last before forfeited the right to take toll. R. S. O. 1877, c. 152, s. 120. If road not repaired within three months after notice, tolls at certain gates not to be levied.

122. If the company permits or allows their road to remain out of repair for the period of nine months next after the time fixed by the engineer or arbitrators (as the case may be) as in this Act provided to repair the same, the company shall forfeit all right to their road, and the municipal council of the county through which the road or any part thereof passes may enter upon and take possession of the same, and exercise the same jurisdiction over the same as the road company owning the road was entitled to under this Act, and the municipal council may repair the same in accordance with the award of the engineer or arbitrators in reference to the same; Neglect to repair and forfeiture of road to municipal councils.

and after the repairs have been made by the municipal council, may levy and collect tolls thereon, and possess and enjoy all the rights and powers, and be subject to all the duties and requirements of this Act, in reference to such toll roads. R. S. O. 1877, c. 152, s. 121.

Repairs by
municipal
councils.

123. In case the municipal council of the county does not think fit and proper, within the period of one month next after the expiration of the aforesaid nine months, to assume, by by-law, the road for the purposes of repairing the same, and levying tolls thereon, the municipal council of any municipality which would, under the provisions of the Municipal Acts at the time in force be required to maintain and keep the road in repair as a common and public highway, shall be liable to the same duties as the municipal council has, or is subject to, in respect to the public roads within its jurisdiction. R. S. O. 1877, c. 152, s. 122.

SALE OF ROADS UNDER EXECUTION.

The interests
of companies
may be sold
under execu-
tion.

124. The right and interest of a joint stock road company in or to a road or any part or parts thereof may be sold under execution against the company. R. S. O. 1877, c. 152, s. 123.

If purchaser
repays coun-
cil, making re-
pairs, the road
and right to
collect toll to
become vested
in him.

125.—(1) The purchaser at such sale may, at any time within two years from the time of the sale, reimburse and pay to the municipal council which has made any outlay for the repair and maintenance of the road or the part or parts thereof so purchased, the amount expended by the council; and thereupon the head of the municipal council shall grant to the said purchaser a certificate to that effect, under his hand and the seal of the council, and upon, from and after the registration of the certificate in the registry office for the registry division in which the road or any part thereof is situate, the road, or the part or parts thereof so purchased shall become vested in and be the property of the purchaser, and the provisions of sections 122 and 123 shall thenceforth cease to apply to or in respect of the road, or the part or parts thereof so purchased, as aforesaid, and the purchaser shall have the same right to collect tolls and all such other rights and privileges, and be subject to the same duties and obligations in respect to the road, or the part or parts thereof so purchased, as if the sale had taken place before the right to collect tolls had been suspended.

If purchaser
does not repair
the road, it is
to revert to
municipality.

(2) Unless the purchaser within twelve months from and after the time when he has reimbursed and paid to the municipal council the amount of the outlay as above provided, causes the road, or such portion or portions thereof as are out of repair within the meaning of this Act, to be put in a

proper state of repair, and procures the certificate of the engineer that the same has been done, and thereafter keeps the road, and every portion thereof, in a proper state of repair within the meaning of this Act, the purchaser shall forfeit his property in the road, or in the part or parts thereof so purchased by him as aforesaid, and the same shall again become vested in the municipality or municipalities in the same way as if this section and the next preceding one had not been enacted.

(3) All the enactments in this Act hereinbefore contained in Arbitration enactments to apply. reference to arbitration shall apply to this section. R. S. O. 1877, c. 152, s. 124.

126. The preceding two sections shall apply to all roads or Application of ss. 124, 125. parts or portions of roads, the outlay upon which was before the 29th day of March, 1873, reimbursed and paid to the municipal council, as provided in the last preceding section of this Act. R. S. O. 1877, c. 152, s. 125.

127. Any purchaser of a road or any part or portion of a road who has heretofore reimbursed and paid to any municipal council the amount of outlay as provided by the Acts heretofore in force, and has complied with the provisions of the said Acts, shall hereafter keep the road, and every portion thereof, in a proper state of repair within the meaning of this Act; and in the case of failure to keep the road in a proper state of repair within the meaning of this Act, the purchaser shall forfeit his property in the road, or in the part or parts thereof so purchased by him as aforesaid, and the same shall again become vested in the municipality or municipalities, as if this section had not been enacted. R. S. O. 1877, c. 152, s. 126. Certain purchasers to keep roads in repair.

128. The sections of this Act, numbered from 99 to 127, Sections applicable to all toll roads. inclusive, shall apply to all toll roads whereon tolls are levied and collected, whether such roads were constructed under this Act or under any of the Acts in section 2 mentioned, or under any special charter, and to toll roads purchased from the Government of the late Province of Canada, and now owned or held by private companies or municipal councils. R. S. O. 1877, c. 152, s. 127.

OFFENCES AND PENALTIES.

129. If any person, being either the renter or collector of tolls at any gate on any road, takes a greater toll than is authorized by law, he shall for every such offence forfeit and pay the sum of \$20 to be recovered in the same manner as other penalties imposed by this Act. R. S. O. 1877, c. 152, s. 128. Penalty for taking more than the proper toll.

Penalty for passing or attempting to pass gates, etc. without payment of toll.

130. If any person not exempted by law from paying toll, wilfully passes or attempts to pass any toll-gate, check-gate or side-bar lawfully established, without first paying the legal toll, he shall forfeit a sum not exceeding \$20 and costs, to be recovered in the same manner as other fines and forfeitures may be levied under this Act; and in case no sufficient distress can be found to satisfy a warrant issued against the goods and chattels of the offender, such offender shall then be committed to the common gaol of the county for any period not exceeding one month. R. S. O. 1877, c. 152, s. 129.

Imprisonment in first instance in certain cases.

131. In case the offender after conviction neglects or refuses to pay the amount of the fine and costs, and it is by affidavit made to appear, to the satisfaction of the acting justice, that the offender has no goods or chattels within the jurisdiction of such justice, a warrant of commitment may issue, and the party convicted may be imprisoned thereon in the first instance upon any conviction under the last preceding section of this Act, without issuing any warrant of distress against goods and chattels. R. S. O. 1877, c. 152, s. 130.

Mode of enforcing payment of tolls in case of refusal to pay.

132. If any person, subject or liable to the payment of any toll by virtue of this or any former Act, neglects or refuses, after demand thereof, to pay the same, the person authorized to collect such toll may by himself, or taking such assistants as he thinks necessary, seize or distrain any horse, cattle, carriage or other thing in respect of which such toll is imposed, together with their respective bridles, saddles, gear, harness or accoutrements (except the bridle or reins of any horse or other beast separate from such horse or beast), or any carriage in respect of the horses or cattle drawing the carriage on which such toll is imposed, or any of the goods and chattels of the person so required to pay. R. S. O. 1877, c. 152, s. 131.

If toll not paid within four days after seizure, sale to take place.

133. If the toll so neglected or refused to be paid, and the reasonable charges of such seizure and distress, are not paid within the space of four days next after such seizure and distress made, the person so seizing and distraining, after having given four days' public notice thereof, may sell the horse, beast, cattle, carriage and things so seized and distrained, or a sufficient part thereof, returning to the owner thereof upon demand the overplus of the money arising from the sale (if any), and what remains unsold after such tolls and the reasonable charges occasioned by the seizure, distress and sale, have been deducted. R. S. O. 1877, c. 152, s. 132.

Penalty on persons using a road and turning off the same in order to avoid payment of toll.

134. If any person, after proceeding on such road with any waggon, carriage or other vehicle or animal liable to pay toll, turns out of the road into any other road or field or piece of land for the purpose of avoiding the payment of toll, and enters upon the said road beyond any of the said gates or check-gates by crossing the road or otherwise without paying

toll, whereby the payment of toll is evaded, such person, or the owner of such vehicle or animal, shall for every such offence forfeit and pay the sum of \$2 and costs; and any one Justice of the Peace for the county in which such part of the road is situated shall, on conviction of the offender, fine him in the said penalty and costs, and shall cause the same to be levied as aforesaid. R. S. O. 1877, c. 152, s. 133.

135. If any person permits or suffers any other person to pass through any lands occupied by such first mentioned person, or through any gate, passage or way thereon, with any carriage, sleigh, horse, mare, gelding or any other animal liable to the payment of toll (such other person, before or after passing through such lands, having travelled more than one hundred yards upon the road), whereby payment of the toll is evaded, the person so offending, and also the person riding or driving, or the owner of the animal or carriage the payment whereon is so evaded, shall, on conviction before any one Justice as aforesaid, incur a penalty not exceeding \$4 and not less than \$1, to be levied as aforesaid, with costs. R. S. O. 1877, c. 152, s. 134.

Penalty on persons allowing others to pass through their lands to avoid payment of toll.

136. If any person leaves upon a toll road any horse, cattle, or carriage by reason whereof the payment of any toll or duty is evaded or lessened, or takes off any horse or cattle from any vehicle, either before or after having passed through any toll-gate, or, after having passed through any toll-gate, adds or puts any horse or other beast to any such carriage and draws therewith upon any part of any such road, so as to increase the number of horses or other beasts drawing the vehicle after the same has passed through such toll-gate, whereby the payment of all or any of the tolls has been evaded, he shall forfeit and pay a sum not exceeding \$4, to be levied as aforesaid, with costs. R. S. O. 1877, c. 152, s. 135.

Penalty on persons leaving horses, etc., on the road so as to avoid payment of toll.

137. In case any person falsely represents himself to any toll-gatherer, or gate-keeper, as being entitled to any exemption mentioned in this or any other Act, or evades the payment of toll by any false representation or other fraudulent act, he shall forfeit to the company or municipality owning the road the sum of \$4 and costs, to be recovered summarily before a Justice of the Peace in the manner provided by this Act for the recovery of other penalties. R. S. O. 1877, c. 152, s. 136.

Penalty on persons falsely claiming exemption.

138. In case any person—

(a) Removes any earth, stone, plank, timber or other materials used or intended to be used in or upon any road for the construction, maintenance and repair thereof; or

Penalty on persons removing materials used in constructing road.

(b) Drives any loaded wheel carriage or other loaded vehicle upon that part of any road constructed under this or any former Act, between the stones, plank or hard road and the ditch, further than may be necessary in passing another vehicle, or in turning off or upon such road; or

Or driving off the metal and on the soft part of the road.

Damaging
bridges, etc.

(c) Causes any injury or damage to be done to the bridges, culverts, posts, rails or fences ; or

Hauling
timber, etc., so
as to injure
road.

(d) Hauls or draws upon any part of any such road, any timber, stone or other thing carried principally or in part upon wheeled carriages or upon sleighs, so as to drag or trail upon such road to the prejudice thereof ; or

Leaving any
carriages on
the road.

(e) Leaves any waggon, cart or other carriage upon such road without some proper person in the custody or care thereof, longer than may be necessary to load and unload the same, except in case of accident, and in cases of accident for any longer time than may be necessary to remove the same ; or

Laying
timber, stones,
rubbish.

(f) Lays any timber, stones, rubbish or other thing whatsoever upon the road, to the prejudice, interruption and danger of any person travelling thereon ; or

Leaving stones
in the road
used to block
carriage.

(g) Having blocked or stopped any cart, waggon or other carriage in going up a hill or rising ground, causes or suffers to remain on such road any stone or other thing with which such cart or carriage had been blocked or stopped ; or

Injuring
lamp posts, etc.

(h) Pulls down, damages, injures or destroys any lamp or lamp post put up, erected or placed in or near the side of such road, or any toll-house erected on such road, or wilfully extinguishes the light of any such lamp ; or

Damaging
table of tolls,
etc.

(i) Wilfully pulls down, breaks, injures or damages any table of tolls put or fixed at any gate, check-gate or bar, on any part of such road, or any sign-board erected by any company upon any road or bridge constructed by them ; or

Defacing mile
posts, etc.

(k) Wilfully or designedly defaces or obliterates any of the letters, figures or marks thereon, or on any finger post or mile post or stone ; or

Throwing
rubbish into
drains.

(l) Throws any earth, rubbish or any other matter or thing into any drain, ditch, culvert or other watercourse made for draining any such road ; or

Carrying away
any stones,
gravel, etc.

(m) Without permission carries away any stones, gravel, sand or other materials, dirt or soil from any part of such road, or digs any holes or ditches on the allowance for the same ; or

Allowing
swine to run
at large.

(n) Allows any swine to run at large to the injury of the road :

every such person shall, upon conviction thereof in a summary way before any Justice of the Peace in or near the place where the injury has been done, be sentenced to pay all damages sustained by such company, which damages shall be ascertained by the justice on hearing the complaint ; and also be sentenced to pay a fine of not more than \$10 nor less than \$1 together with all costs ; which damages, fines and costs shall be paid within a time to be limited by the justice, and in default thereof the same shall be levied as hereinafter provided. R. S. O. 1877. c. 152. s. 137.

139. The company may impound all swine found running at large on plank roads owned by it, and the pound keepers of municipalities on the line of such roads shall receive such animals, and shall be entitled to be paid the usual fees, and in default of payment may sell the animals in the usual way, notwithstanding that such animals may be free commoners under the by-laws of their municipalities. R. S. O. 1877, c. 152, s. 138.

140. No company or municipality, or contractor, sub-contractor, or person employed by such company or municipality, contractor or sub-contractor, shall leave or place upon the graded part of any road constructed or acquired by such company, or municipality, under this Act or any former Act, whether such part of the road is or is not macadamized, gravelled or planked, any stone, gravel, plank, timber or other materials whatsoever so as to prevent the public from using or to impede the free use of the whole of such graded portion of road; and for any offence against this section, such company, municipality, contractor or sub-contractor, or other person shall be responsible for all damages arising from the offence; and such contractor, sub-contractor or other person shall also incur a penalty of not less than \$1 nor more than \$20, to be recovered summarily before a Justice of the Peace in the manner provided by this Act for the recovery of other penalties. R. S. O. 1877, c. 152, s. 139.

141. The penalty for any offence against the last preceding section in the case of roads owned by companies, shall be paid to the municipality within which the road is situate; and in the case of roads owned by municipalities, one-half of the penalty shall be paid to the complainant, and the residue to the Provincial Treasurer for the public uses of this Province. R. S. O. 1877, c. 152, s. 140.

142. Every fine and forfeiture authorized to be summarily imposed by this Act, may be recovered upon information and complaint before any Justice of the Peace of the county within which the same has been incurred, and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of a warrant of distress for that purpose, to be issued by the justice before whom the conviction is had, and in case there are no goods or chattels to satisfy the warrant, the offender may be committed to the common gaol of the county for any period not exceeding one month; but nothing in this section contained shall interfere with the provisions made in section 131 of this Act, for issuing a warrant of commitment in the first instance upon conviction for any offence therein mentioned. R. S. O. 1877, c. 152, s. 141.

Party not appearing on summons may be arrested, or the case may be heard *ex parte*.

143. In any proceeding or prosecution before a Justice of the Peace under this Act, the justice may summon the party complained against to appear at a time and place to be named in the summons, and if he does not appear, then upon proof of the due service of the summons upon such party, either personally or by leaving a copy thereof at his usual place of abode, the justice may proceed either to hear and determine the case *ex parte*, or to issue his warrant for apprehending and bringing the party before himself or some other Justice of the Peace, or the justice may, if he thinks fit, without previous summons, issue the warrant, and the justice before whom the party appears or is brought shall hear and determine the case. R. S. O. 1877, c. 152, s. 142.

Application of fines, etc., when not otherwise provided.

144. Each fine and forfeiture collected under this Act shall, unless otherwise provided, be paid to the treasurer of the company or municipality owning the road or other work in respect of which such fine and forfeiture have been imposed for the use of such company or municipality. R. S. O. 1877, c. 152, s. 143.

Actions to be brought within six months.

145. No action shall be brought for any matter or thing done in pursuance of this Act, unless such action is brought within six months next after the fact committed, and the defendant in any such action may plead not guilty by statute, and on the trial give this Act and the special matter in evidence. R. S. O. 1877, c. 152, s. 144.

MISCELLANEOUS.

Incorporation of Companies formed and having proceeded with construction *bona fide* under former Acts confirmed.

146. Notwithstanding any irregularity in the formation, registration or management of any company for the construction or purchase of any road or other work connected therewith under the provisions of any Act passed before the 14th day of June, 1853, and notwithstanding all the requirements of any such Act had not been strictly complied with, all such companies which had theretofore *bona fide* proceeded in the construction or purchase of any road or other work, shall be held to be duly organized, formed, registered, constituted and managed under such Act; but nothing in this section contained shall be construed to confirm the establishment or management of such company when any irregularity has occurred in the formation, registration or management of the same, unless such company had *bona fide* proceeded with the construction of or had purchased such road or work before the said 14th day of June, 1853. R. S. O. 1877, c. 152, s. 145.

Directors to report annually.

147.—(1) The directors of every company incorporated under this or any former Act shall, in the month of January in each year, report to the Lieutenant-Governor in Council and also to the municipal council of the county having jurisdiction

within the locality through or along the boundary of which the road passes, or wherein the other work has been constructed—

- (a) The cost of the work ;
- (b) The amount of all money expended ;
- (c) The amount of the capital stock, and how much paid in ;
- (d) The whole amount of tolls expended on such work ;
- (e) The amount received during the year from tolls and all other sources, stating each separately ;
- (f) The amount of dividends paid ;
- (g) The amount expended for repairs ; and
- (h) The amount of debts due by the company, specifying the object for which such debts respectively were incurred. R. S. O. 1877, c. 152, s. 146 ; 47 V. c. 24, s. 6.

(2) The return required by this section shall be verified by a statutory declaration of one of the directors of the company.

(3) Any violation of this section shall subject the company violating the same to a penalty of \$50 for each violation, and of the additional sum of \$25 for each month during which any such company neglects to make such return ; such penalty to be recovered under the provisions of this Act and paid over to the Treasurer of this Province. 47 V. c. 24, s. 7.

148. Every company formed under this or any former Act shall keep regular books of account, in which shall be entered a correct statement of the assets, receipts and disbursements of the company. R. S. O. 1877, c. 152, s. 147.

149. Such books shall be at all times open to the inspection of any person who may for that purpose be appointed by the Commissioner of Public Works of this Province, or by the municipality having jurisdiction as aforesaid. 47 V. c. 24, s. 8.

150. Every such inspector may take copies or extracts from the books, and may require and receive from the keeper of such books, and also from the president and each of the directors of the company, and from all the other officers and servants thereof, all such information as to such books, and the affairs of the company generally, as the inspector deems necessary for the full and satisfactory investigation into and report upon the state of the affairs of the company. R. S. O. 1877, c. 152, s. 149.

After 21 years from the completion of the work the proper municipality may purchase the stock of the company at its current value.

Proviso.

151. After twenty-one years from the time of completing any such road or any other work authorized to be constructed by a company under this or any former Act, any municipal authority representing the interests of the locality through or along the boundary of which the road passes, or in which the work is situated, may purchase the stock of the company at the current value thereof at the time of purchase, and hold the same for the use and benefit of the said locality: Provided always that such municipal authority may purchase on the terms aforesaid and for the purpose aforesaid the stock of such road company before the expiration of twenty-one years from the time of the completion of such road, but in such case allowance shall be made for any prospective profits which would be likely to accrue to the owners of the stock between the time of purchase and the expiration of twenty-one years from such completion. R. S. O. 1877, c. 152, s. 150; 49 V. c. 31, s. 1.

Value of stock to be determined by arbitrators.

152. If the company and the municipality cannot agree upon the value, the same shall be ascertained by arbitrators to be appointed and to act in the manner hereinbefore provided in other cases; and the municipal authority shall thenceforth stand in the place and stead of the company, and shall possess all such powers and authority as the company had theretofore possessed and exercised. R. S. O. 1877, c. 152, s. 151.

Shade trees may be set out on toll roads.

153. The council of a municipality through which a toll road runs, that has been constructed under this Act, or the owner of any land lying adjacent to the road, may set out shade and ornamental trees alongside the road, in the same manner and with the same rights as if the road were an ordinary highway. 47 V. c. 24, s. 1.

Land by side of toll road may be used for certain purposes as if such road were an ordinary road.

154. The council of a municipality through which the road runs, or any person by the permission and direction of the council, may plant shade and ornamental trees, and may grade, level, cut down, or fill up the land, alongside of the road, and may build sidewalks of plank, gravel, or other material thereon, as if the road were an ordinary road or street. 47 V. c. 24, s. 2.

Council of Municipality may make crossings, etc., on road.

155. The council of a municipality through which any such road runs, shall have authority to make stone, wood or other crossings across such road, and may dig up the road for the purpose of making sewers, and may construct water courses across or alongside the road, and may construct culverts and approaches over water courses or ditches crossing or alongside of the road from streets, lanes or buildings in the municipality, and may raise or lower the road, or change the grade thereof when necessary in order to connect with other roads or streets, and shall have all other rights and privileges with regard to

side-walks, culverts and approaches to the road as if the same were an ordinary highway or street, but the council shall in every such case without unnecessary delay replace the road in as good condition as it was before such work was undertaken, and shall keep in proper repair all such crossings. 47 V. c. 24, s. 3.

156. The last preceding three sections of this Act shall apply to and be held binding on any lessee or any owners of such road whether a joint-stock company or otherwise. 47 V. c. 24, s. 4.

Sections 153-155 to apply to lessees and owners of roads.

157.—(1) The provisions contained in sections 12 to 33, 42, 44 to 56, 61 to 65, 67 to 73, 75, 76, 79 and 83 to 152, of this Act, all inclusive, shall extend and apply to all road companies, in the collection of tolls and otherwise, whether such roads are constructed under this or any Act in section 2 of this Act referred to, or constructed by or belonging to the municipality of any county, and to all toll roads which may have been purchased from the Government of the late Province of Canada and now are owned or held by private companies or municipal councils.

Certain secs. to apply to all toll roads.

(2) The provisions contained in sections 15 to 33, 44, 61 to 65, 67 to 76, 83, 84, 90 to 94, 96 to 145, 151 and 152, all inclusive, and this provision, shall extend to road companies having any special charter, but no other sections of this Act shall apply to such companies. R. S. O. 1877, c. 152, s. 152.

Certain secs. to apply to all Road Cos. having a special charter.

SCHEDULE A.

(Sections 4 and 58.)

INSTRUMENT OF INCORPORATION OF A ROAD COMPANY.

Be it remembered, that on this _____ day of _____ in the year of our Lord 18____, we, the undersigned shareholders, met at _____ in the County of _____, in the Province of Ontario, and resolved to form ourselves into a Company, to be called *(here insert the corporate name intended to be taken by the Company)*, according to the provisions of chapter 159 of The Revised Statutes of Ontario, entitled *An Act, etc. (insert the title of the Act)*, for the purpose of constructing a road from *(the commencement of the intended road)* to *(the termination thereof, describing the line of intended road, or other such work as aforesaid)*. And we do hereby declare that the Capital Stock of the said Company shall be \$____, to be divided into _____ shares, at the price or sum of \$20 each; and we the undersigned Shareholders do hereby agree to take and accept the number of shares set by us opposite to our respective signatures, and we do hereby agree to pay the calls thereon, according to the provisions of the said in part recited Act, and of the Rules, Regula-

tions and By-laws of the said Company, to be made or passed in that behalf; and we do hereby nominate *(the names to be here inserted)* to be the first Directors of the said Company.

| Name. | Number of Shares. | Amount. |
|-------|-------------------|---------|
| | | |
| | | |
| | | |

R. S. O. 1877, c. 152, *Sched. A.*

SCHEDULE B.

(Section 62.)

INSTRUMENT OF INCORPORATION OF A CONSOLIDATION OF COMPANIES.

Be it remembered, that on the day of , in the year of our Lord 18 , the Shareholders of the "Township of Road Company," *(as the case may be)*, and the Shareholders of the "Town or Municipality of Road Company" *(as the case may be)*, met at , in the County of , and then and there, by a majority of the Shareholders holding or representing at least two-thirds of the Capital Stock of each of the said Companies respectively, resolved to unite the said Companies into one Consolidated Incorporated Company, to be called the Consolidated Road Company , according to the provisions of sections 61, 62 and 63 of chapter 159 of The Revised Statutes of Ontario, entitled *An Act (here insert title of this Act)*, upon the terms following, that is to say:

(here set out the terms upon which the Companies agree to unite). And we do hereby declare that the Capital Stock of the said United Company is *(as the case may be)*, divided into shares of \$20 each.

In testimony whereof, we have hereunto set our hands and affixed the seals of the said respective Companies this day of , 18 .

A. B., President, etc. [L. S.]
C. D., President, etc. [L. S.]

R. S. O. 1877, c. 152, *Sched. B*

CHAPTER 160.

An Act respecting Joint Stock Companies for the construction of works to facilitate the transmission of Timber down Rivers and Streams.

SHORT TITLE, s. 1.

GRANT OF POWERS by LETTERS PATENT, ss. 2-9.

BY-LAWS, ss. 10-13.

PROPERTY NOT TO BE INTERFERED WITH WITHOUT LEAVE, s. 14.

CONSENT TO FORMATION OF COMPANY, WHEN REQUIRED, s. 15.

RECOVERY OF PAYMENTS MADE FOR SHAREHOLDERS, s. 16.

TERMINATION OF COMPANY'S EXISTENCE, ss. 17-19, 57.

Property to vest in Crown, s. 17.

Company to continue for purpose of winding up, s. 18.

Distribution of capital, s. 19.

DIRECTORS TO REPORT YEARLY TO COMMISSIONER OF PUBLIC WORKS, s. 20.

BOOKS TO BE KEPT BY COMPANY, s. 21.

Inspection of books, s. 22.

ARBITRATION PROCEEDINGS, ss. 23-34.

MILL-SITES NOT TO BE TAKEN WITHOUT CONSENT OF OWNER, s. 35.

WHERE NO DAMAGES RECOVERABLE FOR OVERFLOWING LANDS, s. 36.

NAVIGABLE WATERS NOT TO BE OBSTRUCTED, s. 37.

RIGHTS AS TO WATER-POWERS CREATED BY COMPANY'S WORKS, s. 38.

TOLLS, ss. 39-47.

OFFENCES AND PENALTIES:

Impeding operations of company, s. 48.

Recovery of penalties, s. 49.

Appropriation of penalties, ss. 50-52.

Limitation of actions, s. 53.

MISCELLANEOUS:

Time for completion of works, s. 54.

Repair of works, s. 55.

Union of companies, s. 56.

Dissolution of companies, s. 57.

Limitation of existence of companies, s. 58.

Extension of existence of companies, s. 59.

Provision as to companies incorporated before March 5, 1881, s. 60.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Timber Slide Companies Act*." 44 V. c. 19, s. 1.

2. In case the Lieutenant-Governor in Council thinks fit, he may confer upon any company which has heretofore been, or shall be hereafter incorporated, under *The Ontario Joint Stock Companies Letters Patent Act*, for the purpose of acquiring or constructing and maintaining any dam, slide, pier, boom or other work necessary to facilitate the transmission of timber down any river or stream in this Province, or for the purpose of blasting rocks, or dredging or removing shoals or other impediments, or of otherwise improving the navigation of such river or stream for the said purpose, the powers autho_

Certain powers may be granted to timber slide companies.

Rev. Stat. c. 157.

rized by this Act, and every such company shall thereupon become subject to all the provisions of this Act. 44 V. c. 19, ss. 2, 3.

When letters patent may be issued.

3. The letters patent conferring the powers authorized by this Act shall not be issued to any company until proof has been furnished that one-half of the proposed capital has been subscribed in good faith, and that at least ten per centum thereof (or five per centum of the whole capital) has been paid in to the credit of trustees for the company, and remains at their credit in some one or more of the chartered banks of this Province. 44 V. c. 19, s. 4.

Report to be transmitted to Provincial Secretary by applicants.

4. The applicants for a charter shall, with their application, transmit to the Provincial Secretary a report to be laid before the Commissioner of Public Works, in case the Provincial Secretary or other officer charged by the Lieutenant-Governor in Council with the duty of reporting thereon shall deem that the other requirements preliminary to the issue of the charter have been duly complied with, and shall also cause a copy of the report to be laid before the municipal council of the county in which the works are proposed to be situated; or if the works are situate in more than one county, then before the municipal councils of the counties in or on the boundaries of which the works are proposed to be situated; or if the proposed works are in unsurveyed lands not contained within the bounds of any incorporated county, then before the Commissioner of Public Works alone. 44 V. c. 19, s. 5.

Rate of dividend may be stated in Letters Patent.

5. The Lieutenant-Governor may, in the letters patent, state a rate of dividend, not exceeding fifteen per centum, which the directors shall be at liberty to pay to the shareholders, if the revenues of the company otherwise justify such payment, and in such case the Commissioner of Public Works, shall, in considering the tolls to be allowed, have regard to such rate, but no such rate shall be so fixed for a longer period than ten years. 44 V. c. 19, s. 6.

Limitation of company's existence.

6. The existence of any company incorporated under this Act may be limited to such a term of years as is fixed by the letters patent. 44 V. c. 19, s. 7.

Particulars of notice in Gazette.

7. The notice of application in the *Gazette* need not state the objects of the company with the same detail as is required in the report, but shall give such a description thereof as will reasonably inform the public of the works to be undertaken. 44 V. c. 19, s. 8.

Contents of report.

8. The report shall contain—

1. A detailed description of the works to be undertaken and an estimate of their cost;

2. An estimate from the best available sources of the quantity of different kinds of timber expected to come down the river or stream yearly after the works have been completed ; and

3. A schedule of the tolls proposed to be collected. 44 V. c. 19, s. 9.

9. Thirty days after the said report has been laid before the municipal council, or councils, as the case may be, the Commissioner of Public Works shall consider the said report, and in case he approves of the proposed works, he shall report such approval to the Lieutenant-Governor who may thereupon direct the issue of a charter. 44 V. c. 19, s. 10.

Report to be considered by Commissioner of Public Works.

10. Every company may make by-laws, and from time to time alter and amend the same, for the purpose of regulating the safe and orderly transmission of timber over or through the works of the company, and the navigation therewith connected. 44 V. c. 19, s. 11.

By-laws to regulate transmission of timber.

11. Copies of the proposed by-laws shall be annexed to the reports required to be made by the company by section 4 of this Act, and the proposed by-laws with such variations as are made therein by the Commissioner of Public Works at any time before the issue of the letters patent, shall, upon the issue of the letters patent, become the by-laws of the company without further action or adoption by the company, and copies of all new by-laws, and of all amended by-laws, with reference to the said subjects, shall be annexed to the annual reports required by section 20 of this Act. 44 V. c. 19, s. 12.

Copies of proposed by-laws to be annexed to reports of company.

12. No new by-law, or amended by-law, shall have any force until one month after it has been included in the report; but if at the end of one month the by-law has not been disallowed as it may be by the Commissioner of Public Works, it shall have full force and be binding upon the company, and upon all persons using the works, unless the Commissioner in the meantime shall have under his hand enlarged the time for considering the same. 44 V. c. 19, s. 13.

When by-law to come in force.

13. No such by-law shall impose any penalties, or shall contain anything contrary to the true meaning and intention of this Act. 44 V. c. 19, s. 14.

Restrictions as to by-laws.

14. No such company shall construct such works over or upon or otherwise interfere with or injure any private property, or the property of the Crown, without first having obtained the consent of the owner, or occupier thereof, or of the Crown, except as is in this Act provided. 44 V. c. 19, s. 15 ; 47 V. c. 25, s. 1.

Company not to interfere with property without leave.

Consent to
formation of
company,
when required.

15. No such company shall be formed under the provisions of this Act to improve any river or stream, for the improvement of which any other company has been formed either under this Act, or any other Act of the Legislature, or upon which there is constructed any Provincial work, without the consent of such other company or of the Lieutenant-Governor in Council respectively, which consent shall be formally expressed in writing, and shall be filed in the office of the Provincial Secretary. 44 V. c. 19, s. 16.

Recovery of
payments
made for
shareholders.

16. In all cases where a shareholder has not paid ten per centum on the share or shares held by him, but some other party pays the same on his behalf, the party so paying may recover the amount as a debt, in any competent Court, although not previously authorized to pay the money on behalf of such shareholder. 44 V. c. 19, s. 17.

On expiration
of company's
existence, pro-
perty to vest
in the Crown.

17. Upon the expiration of the period limited for the existence of the company, if such period is limited by the letters patent, all the dams, slides, piers, booms and other works constructed by the company, for the transmission of timber down any river or stream, or for the improvement of the navigation of such river or stream, shall become the property of Her Majesty for the public uses of the Province, and the company, or the shareholders thereof, shall have no right to receive any compensation therefor. 44 V. c. 19, s. 18.

Company's
existence to
continue for
the purpose of
winding up.

18. Notwithstanding the expiration of the said period, the company shall continue to exist for the purpose of taking such proceedings as may be requisite for getting in its assets, winding up and settling its affairs, and distributing amongst its shareholders the capital stock or accumulated sinking fund of the said company, and the company may, for the purposes aforesaid, sue and be sued as if the period of its corporate existence had not expired; but after such period the words "in liquidation" shall be added to the name of the company, and shall be a part of such name. 44 V. c. 19, s. 19.

Distribution
of capital and
profits.

19. No distribution of capital shall be made under the next preceding section until three years after the expiration of the said period limited as aforesaid for the existence of the company, but this shall not prevent the distribution amongst the shareholders of the annual profits received from investments, and after the said period section 66 of the said *Joint Stock Companies' Letters Patent Act* shall not apply to the company. 44 V. c. 19, s. 20.

Rev. Stat. c.
157, s. 66.

Directors to
report yearly
to the Com-
missioner of
Public Works

20. The directors of every company incorporated under this Act shall, annually, in the month of January, make a report to the Commissioner of Public Works, which report shall be under the oath of the treasurer of the company, and shall specify—

1. The cost of the work ;
 2. The amount of all money expended ;
 3. The amount of the capital stock, and how much paid in ;
 4. The whole amount of tolls expended on the work ;
 5. The amount received during the year from tolls and all other sources, stating each separately, and distinguishing the tolls on different kinds of timber ;
 6. The amount of dividends paid ;
 7. The amount expended for repairs ; and
 8. The amount of debts due by the company, specifying the objects for which the debts respectively were incurred.
- R. S. O. 1877, c. 153, s. 27.

What the report is to contain.

21. Every company shall keep regular books of account, in which shall be entered a correct statement of the assets, receipts and disbursements of the company, and such books shall be at all times open to the inspection and examination of any shareholder. *R. S. O. 1877, c. 153, s. 28, part.*

Every company to keep regular books of account

22. The Commissioner of Public Works may appoint a person to inspect and examine such books and every person so appointed may take copies or extracts from the same, and may require and receive from the keeper of such books, and also from the president and each of the directors of the company, and all the other officers and servants thereof, all such information as to such books and the affairs of the company generally, as the person so appointed deems necessary for the full and satisfactory investigation into and report upon the state of the affairs of the company, so as to enable him to ascertain whether the tolls levied upon the work are greater than this Act allows to be levied. *R. S. O. 1877, c. 153, s. 28, part.*

Inspection of books.

23. If upon demand made by the directors of the company the owner or occupier of any land, over, through or upon which the company desires to construct such work, or which would be flooded or otherwise interfered with, or upon which any power given by this Act to the company is intended to be exercised, neglects or refuses to agree upon the price or amount of damages to be paid for, or for passing through or using such land, or for flooding or otherwise interfering with the same, and for appropriating the same to and for the use of the company, or for the exercise of such power as aforesaid, the company may name one arbitrator, and the owner or occupier of the land may name another arbitrator, and the two arbitrators may name a third, to arbitrate and determine upon the amount which the company shall pay before taking possession of such land or exercising such power, and the decision of any two of the said arbitrators shall be final. *R. S. O. 1877, c. 153, s. 41.*

When matters respecting compensation to be submitted to arbitration.

Arbitrators to consider advantages as well as disadvantages.

24. In ascertaining the amount aforesaid, due regard shall be had by the arbitrators to the benefits which will accrue to the party demanding compensation by the construction of the intended works. R. S. O. 1877, c. 153, s. 42.

Upon tender of the sum awarded, the company entitled to a conveyance.

25. The company may tender the sum awarded to the party claiming compensation, who shall thereupon be bound to execute a conveyance of the land to the company, or such other document as may be requisite; and the company, after such tender, whether a conveyance or other document has been executed or not, may enter upon and take possession of the land to and for the uses of the company, and may hold the same, or exercise such power as aforesaid, in the same manner as if a conveyance thereof or other document had been executed. R. S. O. 1877, c. 153, s. 43.

When the Judge, etc., to name an arbitrator.

26. If such owner or occupier neglects to name an arbitrator for the space of twenty days, after having been notified so to do by the company, or if the two arbitrators do not within the space of twenty days after the appointment of the second arbitrator agree on a third arbitrator, or if any one of the arbitrators refuses or neglects, within the space of ten days after his appointment, to take upon himself the duties thereby imposed, then, upon the application of the company, or of the other party, the Judge of the County Court of the county within which the land lies, shall nominate a disinterested competent person, from any township adjoining the township in which the land is situate, as arbitrator for the owner or occupier so neglecting to name an arbitrator after having been duly notified by the company as aforesaid, or as third arbitrator, or as arbitrator; and every arbitrator so appointed by the Judge of the County Court, shall hear and determine the matter to be submitted to him, with all convenient speed, after he has been so nominated as aforesaid; and any award made by a majority of the arbitrators shall be as binding as if the three arbitrators had concurred in and made the same. R. S. O. 1877, c. 153, s. 44; 50 V. c. 7, s. 12.

How company to proceed in the case of lands of absentees.

27. In case any lands required by the company for the purpose of such work, or with regard to which such power is to be exercised as aforesaid, are held or owned by any person, body politic, corporate or collegiate, whose residence is not within this Province or is unknown to the company, or in case the title to such lands is in dispute, or in case such lands are mortgaged, or in case the owner or owners of such lands are unknown, or unable to treat with the company for the sale thereof, or the exercise of any such power as aforesaid by the company, or to appoint arbitrators as aforesaid, the company may nominate and appoint one indifferent person and the Judge of the County Court where the lands are situate, on the application of the company, may nominate and appoint one

other disinterested competent person from any township adjoining the township in which the lands are situate, who, together with one other person to be chosen by the persons so named before proceeding to business, or, in the event of their disagreeing as to the choice, with one other person to be appointed by the Judge as aforesaid before the others proceed to business, shall be arbitrators to award, determine, adjudge and order the respective sums of money which the company shall pay to the party entitled to receive the same, for the lands or damages as aforesaid, and the decision of a majority of the arbitrators shall be binding. R. S. O. 1877, c. 153, s. 45.

28. When demanded, the company shall pay or cause to be paid to the several parties entitled to the same, the amount so awarded. R. S. O. 1877, c. 153, s. 46.

Amount of
award to be
paid on
demand.

29. A record of the award shall be made up and signed by the arbitrators, or a majority of them, specifying the amount awarded and the costs of arbitration, which may be settled by the arbitrators, or a majority of them; and the record shall be deposited in the registry office of the registry division in or along which the lands are situate, and the company may thereupon enter and take possession of the land to and for the uses of the company, and may proceed with the construction of the works affecting the same. R. S. O. 1877, c. 153, s. 47.

A record of
the award to
be drawn up
and registered.

30. The expenses of any arbitration under this Act shall be paid by the company, and by them be deducted from the amount of the award on payment thereof to the parties entitled to receive the same, if the company, before the appointment of their arbitrator, had tendered an equal or greater sum than that awarded by the arbitrators, otherwise the expense shall be borne by the company, and the arbitrators shall specify in their award by which of the parties the said costs shall be paid. R. S. O. 1877, c. 153, s. 48.

Costs of refer-
ence to be
paid by the
company, etc.

31. All lands taken by the company, for the purpose of such work, and which have been purchased and paid for by the company, in the manner hereinbefore provided, shall become the property of the company, free from all mortgages, incumbrances and other charges. R. S. O. 1877, c. 153, s. 49.

When lands
taken to be-
come the pro-
perty of the
company.

32. The arbitrators so appointed shall fix a convenient day for hearing the respective parties, and shall give eight days' notice at least of the day and place; and having heard the parties or otherwise examined into the merits of the matter so brought before them, the said arbitrators or a majority of them shall, within thirty days of their appointment, make their award thereupon in writing, which award shall be final as to the amount in dispute. R. S. O. 1877, c. 153, s. 50.

How arbitra-
tors to pro-
ceed.

If timber slides, etc., erected by others be assumed by the company, how compensation to be made.

33. In case there is already established by any party other than a company formed under this Act or some other Act of this Province, or some Act of the late Province of Canada, any slide, pier, boom, or other work intended to facilitate the passage of timber down any water, for the improvement of which a company is formed under this Act, such company may take possession of the works; and the owners thereof, or (if the works have been constructed on the property of the Crown) the persons at whose cost they have been constructed, may claim compensation for the value of the works either in money or in stock of the company, at the option of the owner or the person at whose cost the same was constructed, and may become shareholders in the company for an amount equal to the value of the works (such value to be ascertained by arbitrators appointed in the manner hereinbefore provided); and all the provisions of sections 27 to 31 of this Act shall apply to such work in the same manner and to the same extent as to lands acquired by such company. R. S. O. 1877, c. 153, s. 51.

Formalities to be observed by company acquiring existing works.

34. In case such company purchases or takes possession of the works as aforesaid, and does not make or construct any other works than those so acquired, the company shall furnish the Commissioner of Public Works with the report in section 8 mentioned, but need not cause a copy to be laid before the county council. R. S. O. 1877, c. 153, s. 52.

Mill sites, etc., not to be taken without the consent of the owner.

35. Nothing herein contained shall authorize a company formed under this Act to take possession of, or in anywise injure any mill site upon which there are existing mills or machinery, or hydraulic works other than those intended to facilitate the passage of timber; and no company formed under this Act shall commence any work which interferes with or endangers such occupied mill site, without the assent in writing of the proprietor thereof previously obtained, or an award of arbitrators appointed as herein provided, to the effect that the proposed works will not injure such mill site, which assent or award shall be registered in the same manner as the instrument of incorporation of such company. R. S. O. 1877, c. 153, s. 53.

Sections 15 & 16 of Rev. Stat. c. 118, to apply.

36. The provisions of sections 15 and 16 of *The Act respecting Mills and Mill Dams* shall extend to similar land overflowed by any of the works constructed by any company formed under this Act. R. S. O. 1877, c. 153, s. 54.

Navigable waters not to be obstructed. Tolls to be on timber only.

37. Nothing herein contained shall authorize a company formed under this Act to obstruct any waters already navigable, or to collect tolls other than those upon timber. R. S. O. 1877, c. 153, s. 55.

38. If by reason of a dam erected by a company formed under this Act, any fall or water power is created, the company shall in nowise have any title or claim to the use of such water power; nevertheless, if the owner or occupier of the land adjoining has made a claim for compensation for damages arising from such dam, the arbitrators may take into account the increased value of his property by reason of the water power so created. R. S. O. 1877, c. 153, s. 56.

Rights of parties as to water powers created by the company.

39. The tolls for the first year shall be calculated upon the estimates hereinbefore required to be made of the cost of the works, and the quantity of different kinds of timber expected to pass down the stream, and the tolls in all future years shall be calculated upon the cost of the works and the quantity of different kinds of timber expected to pass down the stream, and the receipts and expenditure, according to the accounts of the then next preceding year, as rendered in accordance with the provisions of section 20 and the following sections of this Act; and the tolls shall be so calculated that, after defraying the necessary cost of maintaining and superintending the works and running, driving, booming, towing, sorting, and rafting logs and other timber, and providing an equal annual sinking fund, which, invested at six per centum, shall be sufficient to pay back to the shareholders the amount of their paid-up stock at the end of the time limited for the existence of the company, and collecting the tolls, the balance of the receipts may as nearly as possible be equal and in no case exceed \$10 for every \$100 expended and invested in the said works, and if in any year the receipts from tolls are such, that, after defraying all the current expenses, there remains a clear profit of more than \$10 upon every \$100 of the capital expended, there shall nevertheless be divided amongst the shareholders no greater dividend than after the rate of \$10 for every \$100, and the remainder shall be carried over to the receipts of the following year unless a higher rate is authorized by the letters patent or by Order in Council. R. S. O. 1877, c. 153, s. 57; 44 V. c. 19, s. 21.

Principle on which tolls to be calculated.

40. The tolls to be collected upon different kinds of timber shall bear to each other the following proportions, viz :

Ratio of tolls.

| | \$ | cts. |
|---|----|-----------------|
| Red and white pine.....per piece..... | 0 | 1 $\frac{3}{4}$ |
| Oak, elm and other hard wood .. | 0 | 2 $\frac{1}{2}$ |
| Spars | 0 | 5 |
| Masts | 0 | 8 $\frac{1}{3}$ |
| Saw logs..... | 0 | 5 $\frac{3}{8}$ |
| Sawed lumber per M., board measure | 0 | 1 $\frac{3}{4}$ |
| Staves per M..... | 0 | 25 |
| Firewood, shingle bolts, and other timber, per cord | 0 | 3 $\frac{1}{2}$ |

The annual account to be rendered by the company to contain a schedule of tolls.

41. The annual account required to be rendered by every company shall contain a schedule of the tolls, calculated as aforesaid, which it is proposed to collect in the following year, and if it has not been notified to the president of the company, on or before the fifteenth day of March in each year, that the schedule of tolls has been disallowed by an order of the Commissioner of Public Works, the president of the company shall cause the said schedule of tolls to be published for the space of one month in some newspaper published within the county or counties, district or districts in which or nearest to which such works are situate, and such tolls so published shall be the lawful tolls for that year; but if it appears to the Commissioner of Public Works that the proposed schedule of tolls has not been calculated according to the true intent and meaning of this Act, the Commissioner may, by an instrument under his hand, alter or vary the schedule of tolls so as to make them correspond with the true meaning of this Act; and the amended schedule of tolls shall be notified to the president of the company, and shall by him be published as aforesaid, and shall be the lawful tolls for that year. R. S. O. 1877, c. 153, s. 59.

Company may demand of owner statement of quantity of timber liable to toll.

42. Every company may demand from the owner of any timber intended to be passed through any portion of the works of the company, or from the person in charge of the same, a written statement of the quantity of every kind of timber and of the destination of the same, and of the sections of the works through which it is intended to pass, and if no written statement is given when required, or a false statement is given, the whole of the timber, or such part of it as has been omitted by a false statement, shall be liable to double toll. R. S. O. 1877, c. 153, s. 60.

Penalty for refusal or false statement.

On what timber toll may be taken.

43. Every company may demand and receive the lawful toll upon all timber which has come through or over any of the works of the company; and the company by its servants, shall have free access to all such timber for the purpose of measuring or counting the same. R. S. O. 1877, c. 153, s. 61.

Right of company to examine.

May sue for tolls.

44. If the just tolls are not paid on demand, the company may sue for the same in any Court of competent jurisdiction, and recover from the owner of the timber the amount of the tolls and the costs of suit. R. S. O. 1877, c. 153, s. 62.

If full toll tendered, company liable to costs.

45. If the owner of the timber objects to the amount of tolls demanded, and tenders a sum which he claims to be the true and just amount of the tolls, the company shall pay the costs of the action, unless the judgment obtained is for a greater amount than the sum so tendered. R. S. O. 1877, c. 153, s. 63.

Toll to be apportioned to the extent of the works used.

46. If timber has not come through or over the whole of the works of the company, but only through or over a part thereof, the owner of the timber shall only be liable to pay

tolls for such sections of the whole works as he has made use of, if in the schedule of tolls the work is divided into sections, and if not, then to pay such a portion of the whole toll as the distance the timber has come through the works, bears to the whole distance over which the works extend. R. S. O. 1877, c. 153, s. 64.

47. If the true owner of any timber which has passed through any of the works of the company cannot be ascertained, or if there are reasonable grounds to apprehend that the tolls thereon have not been paid by the owner or reputed owner or person in charge, any mayor, reeve or Justice of the Peace having jurisdiction within the locality through or adjoining which such navigation extends, or where the timber may be found, if within twenty miles of any such works, shall, upon the oath of any director or servant of the company that the just tolls have not been paid, issue a warrant for the seizure of such timber, or so much thereof as will be sufficient to satisfy the tolls, which warrant shall be directed to any constable or any person sworn in as a special constable for that purpose, at the discretion of the magistrate, and shall authorize the person to whom it is directed, if the tolls are not paid within fourteen days from the date thereof, to sell the said timber, and out of the proceeds to pay to the company the just tolls, together with the costs of the warrant and sale, rendering the surplus on demand to the owner. R. S. O. 1877, c. 153, s. 65.

When and how timber may be seized for tolls.

OFFENCES AND PENALTIES.

48. If any person resists or impedes any of the servants of the company in the transmission of any timber through any such works, or in carrying out any regulations of the company for the greater safety and regularity of such transmission, or resists any such servants who may require access to any raft or other timber to ascertain the just tolls thereon, or in any way molests the company or its servants in the exercise of any rights secured to them by this Act, such person shall, upon conviction thereof in a summary way before a Justice of the Peace having jurisdiction in the locality in or adjoining which the offence has been committed, be sentenced to pay a fine of not more than \$10 nor less than \$1, together with all costs, to be paid within a time to be limited by the justice, and in default to be levied as next hereinafter provided. R. S. O. 1877, c. 153, s. 66.

Impeding the operations of the company.

49. In any proceeding or prosecution before any Justice of the Peace under this Act, the justice may summon the party complained against to appear at a time and place to be named in the summons, and if he does not appear accordingly, then, upon proof of the due service of the summons upon such party, either personally or by leaving a copy thereof at his usual place of abode, or with any adult person belonging to the raft to

How Justices to proceed in prosecutions under this Act.

which such party is attached, the justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending and bringing the party before himself or some other Justice of the Peace, or the justice may, without previous summons, issue such warrant, and the justice before whom the parties appear or are brought shall proceed to hear and determine the case. R. S. O. 1877, c. 153, s. 67.

How fines,
etc., recover-
able.

50. The fines and forfeitures authorized to be summarily imposed by this Act may be recovered upon information and complaint before any Justice of the Peace of the county within which the same have been incurred, and shall be levied and collected by distress and sale of the offender's goods and chattels, under the authority of a warrant of distress for that purpose, to be issued by the justice before whom the conviction has been had. R. S. O. 1877, c. 153, s. 68.

If no goods,
offender to be
imprisoned.

51. In case there are no goods or chattels to satisfy such warrant, the offender shall be committed to the common gaol of the district or county for any period not exceeding one month. R. S. O. 1877, c. 153, s. 69.

Fines, etc., to
be paid to the
treasurer of
the company.

52. All fines and forfeitures collected under the authority of this Act shall be paid to the treasurer of the company owning the work in respect of which such fines and forfeitures have been imposed, for the use of the company. R. S. O. 1877, c. 153, s. 70.

Limitation of
actions.

53. Any action against any person for any matter or thing done in pursuance of this Act, shall be brought within six months next after the fact committed, and not afterwards; and the defendant therein may plead not guilty by statute, and give this Act and the special matter in evidence on the trial. R. S. O. 1877, c. 153, s. 71.

MISCELLANEOUS.

Within what
time works to
be completed,
etc.

54. Every such company shall, within two years from the day of their becoming incorporated, complete each and every work undertaken by them, and mentioned in the report required prior to the incorporation of the company, and for the completion whereof they may be incorporated; in default whereof they shall forfeit all the corporate and other powers and authority which they have in the meantime acquired; and all their corporate powers shall thenceforth cease and determine, unless further time is granted by a by-law of the county or counties, district or districts in or adjoining which the work is situate, or by the Commissioner of Public Works; and if any company formed under this Act, for the space of one year abandons any works completed by them, so that the same are not in sufficient repair and cannot be used for the purpose pro-

posed in the instrument of incorporation of the company, then the corporate powers of the company shall cease and determine. R. S. O. 1877, c. 153, s. 72; 44 V. c. 19, s. 22.

55. After any works constructed by a company under this Act have been completed and tolls established, the company shall keep the same in good and sufficient repair; and if such works have not been constructed according to the description given thereof in the report required by section 8 of this Act, or have become insufficient or out of repair, any person interested in the navigation may serve upon any servant of the company a notice of such insufficiency, and if within a reasonable time after the service of such notice the necessary repairs have not been completed, the company shall be liable for the damage which any person may sustain from the continuance of such insufficiency; but no company formed under this Act shall be held liable for any damage incurred after the time limited for the existence of the company has expired, or so long as their works are in accordance with the description or specification thereof in the original instrument required to be registered, or in any description or specification subsequently approved of and registered, nor for any damage arising from the accidental destruction or injury of their works, but only for the damage which may arise from the wilful neglect of the company after notice served upon one of its servants, as hereinbefore provided. R. S. O. 1877, c. 153, s. 73; 44 V. c. 19, s. 23.

Works to be kept in good repair.

56. Any two companies formed for the construction of works on any streams contiguous to each other, may unite and form one consolidated company, on such terms as to them seem meet; and the name of the united companies to be then assumed shall thenceforth be the corporate name thereof, and the united companies may then exercise and enjoy all the rights, and shall be subject to all the liabilities of other companies formed under the provisions of this Act, and which the separate companies had and enjoyed or were subject or liable to before the union thereof. R. S. O. 1877, c. 153, s. 74.

When companies may be united.

57. Whenever it is found expedient for the public service, the Lieutenant-Governor in Council may declare any company formed under this Act dissolved, and may declare all the works of such company, Provincial Works, upon payment to such company of the then actual value of the works, to be decided by arbitrators, one of whom shall be appointed by the Commissioner of Public Works, and one by the company, and if they do not agree to an award, the Judge of the County Court for the county in or adjoining which the works are situate, shall be the third arbitrator, and in settling the amount to be paid to the company for the works, the amount of the sinking fund accumulated at the time of the valuation towards the payment of the capital stock shall be deducted therefrom. R. S. O. 1877, c. 153, s. 75; 44 V. c. 19, s. 24.

When the Lieutenant-Governor in Council may declare a company dissolved.

Arbitration in such case.

Letters Patent may limit term of existence of certain companies.

Rev. Stat. c. 157.

58. Where a company heretofore incorporated under chapter 153 of the Revised Statutes of 1877, or under chapter 68 of the Consolidated Statutes of Canada, applies for the issue of letters patent under section 72, or section 73 of *The Ontario Joint Stock Companies' Letters Patent Act*, the Lieutenant-Governor may, by the letters patent, confer upon the said company any of the powers authorized by this Act, and may by such letters patent limit the term of existence of the said company, and every such company obtaining letters patent as aforesaid, shall be subject to the provisions of this Act. 44 V. c. 19, s. 25.

Existence of Company may be extended by supplementary letters patent.

59. The Lieutenant-Governor may, by supplementary letters patent extend the term of existence of any company incorporated for a limited period under this Act, for such a number of years, as by Order in Council made previous to the expiry of such period he may direct, and the provisions of this Act having regard to the expiration of the term of existence of a company shall thereupon apply to such term as so extended. 44 V. c. 19, s. 26.

Special provisions as to companies incorporated before March 5, 1881.

Rev. Stat. c. 157.

60. Sections 39, 55 and 57 of this Act, shall not apply to any company incorporated before the 5th day of March, 1881, unless and until such company has become or becomes re-incorporated under section 72 of *The Ontario Joint Stock Companies' Letters Patent Act*; but in lieu of the said sections the provisions of sections 57, 73 and 75 of chapter 153 of the Revised Statutes of 1877, shall apply to any company incorporated as aforesaid and not re-incorporated, and sections 3, 8 to 10, 12 to 26, and 29 to 40 of the said chapter 153 shall also continue to apply to every such company. 44 V. c. 19, ss. 27, 28.

CHAPTER 161.

An Act respecting Joint Stock Companies for the construction of Piers, Wharves, Dry Docks and Harbours.

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|---|--|
| INCORPORATION, ss. 1-3. | INCREASE OF STOCK, s. 21. |
| CONSENT OF MUNICIPALITY TO BE OBTAINED BEFORE WORK IS PROCEEDED WITH, s. 4. | COMPANY MAY BORROW MONEY ON SECURITY OF THE WORK, s. 22. |
| PROPERTY NOT TO BE TAKEN WITHOUT CONSENT OF OWNERS, s. 5. | TOLLS, ss. 23-25. |
| DIRECTORS, ss. 6-15. | MUNICIPAL COUNCILS MAY TAKE STOCK IN COMPANIES, ss. 26-28. |
| SHARES AND THEIR TRANSFER, s. 16. | SALE OF WORKS TO PASS RIGHTS OF COMPANY TO THE PURCHASER, s. 29. |
| Calls, ss. 17, 18. | AFTER 21 YEARS, MUNICIPALITY MAY PURCHASE STOCK, s. 30. |
| ANNUAL REPORT TO THE MUNICIPALITY, s. 19. | |
| BOOKS TO BE KEPT, s. 20. | |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Any number of persons, not less than five, may form themselves into a company for the purpose of constructing a pier or wharf, or for dredging or deepening or making a harbour, or for the erection of a dry dock and marine railway connected therewith. R. S. O. 1877, c. 154, s. 1.

How companies may be formed.

2. When a company has been formed under this Act, and a sufficient amount of stock has been taken, adequate in their judgment to complete the work, the shareholders shall execute an instrument according to the form following:

Company to register instrument of association with registrar of county.

Be it remembered, that on this _____ day of _____, in the year of our Lord 18____, we, the undersigned shareholders, met at _____, in the _____ County of _____, in the Province of Ontario, and resolved to form ourselves into a Company, to be called (*insert the name intended to be taken by the Company*), according to the provisions of Chapter 161, of the Revised Statutes of Ontario, entitled *An Act respecting Joint Stock Companies for the construction of Piers, Wharves, Dry Docks and Harbours*, for the purpose of constructing a Pier (*or Piers*), Wharf (*or Wharves*), and making (*or dredging*) a Harbour (*or constructing a Dry Dock*) at (*name of the place*). And we do hereby declare that the Capital Stock of the said Company shall be \$ _____, to be divided into _____ shares, at the price or sum of \$20 each. And we, the undersigned

Shareholders, do hereby agree to take and accept the number of shares set by us opposite our respective signatures ; and we do hereby agree to pay the calls thereon, according to the provisions of the said in part recited Act, and of the Rules, Regulations, Resolutions and By-laws of the said Company to be made or passed in that behalf ; and we do hereby nominate (*the names to be here inserted*) to be the first Directors of the said Company.

| Name. | Number of Shares. | Amount. |
|-------|-------------------|---------|
| | | |
| | | |
| | | |

And the shareholders shall register the instrument with the registrar of the registry division in which the work is situated. R. S. O. 1877, c. 154, s. 2.

Company to be a corporation on certain requirements being complied with.

3. When the requirements contained in the preceding section have been complied with, the company shall thenceforth be an incorporated company, by the name designated in the instrument registered ; and by such name, may acquire lands, tenements and hereditaments useful and necessary for the purpose of the company, and may sell and convey the same. R. S. O. 1877, c. 154, s. 3.

Consent of municipality to be obtained.

4. Before the company proceeds with its work, it shall obtain the consent of the municipality within which the work is proposed to be made, and the municipality may fix the limit and boundary of a proposed harbour. R. S. O. 1877, c. 154, s. 4.

Company not to take private or Crown property, without consent ; nor interfere with companies chartered before 5th Dec., 1859.

5. No company so formed shall take private property without the consent of the owner, or take or interfere with property belonging to the Province without the approval of the Lieutenant-Governor in Council, or obstruct any harbour in use, or interfere with a company chartered or a board of Commissioners incorporated for the construction of a harbour on the 5th day of December, A. D. 1859. R. S. O. 1877, c. 154, s. 5.

Affairs to be managed by five directors.

6. The affairs, stock, property and concerns of every company shall for the first year be managed by five directors, to be named in the instrument registered, and thereafter to be annually elected by the shareholders, on the second Monday of December in each year, according to the provisions of a by-law to be passed by the directors for that purpose. R. S. O. 1877, c. 154, s. 6.

When, by whom and how directors elected.

7. The by-law shall regulate—

Requirements
of by-law.

1. The manner of voting ;
 2. The place and hour of meeting for the election ;
 3. The qualification of voters and of candidates for the direction ; and
 4. Any other matters, except the day of election, which the directors deem necessary to carry out the foregoing provisions.
- R. S. O. 1877, c. 154, s. 7.

8. The by-law shall be published for three successive weeks in the newspaper, or one of the newspapers published nearest the place where the directors of the company usually meet for conducting the business of the company. R. S. O. 1877, c. 154, s. 8.

By-law, how
published, etc

9. The directors may alter, change or amend the by-law, whenever they see proper, but they shall always publish the amended by-law in the manner above provided. R. S. O. 1877, c. 154, s. 9.

Directors may
amend by-law.

10. A majority of the directors shall be a quorum for the transaction of business. R. S. O. 1877, c. 154, s. 10.

Majority of
directors to be
a quorum.

11. If the annual election of directors does not take place at the time appointed, the directors for the last preceding year shall continue to serve until their successors are elected, and an election shall be held at such time within one month after the appointed time, as may be provided by a by-law passed for that purpose. R. S. O. 1877, c. 154, s. 11.

Failure to
elect directors
not to dissolve
company.

12. At any election of directors, each shareholder shall be entitled to one vote for every share of stock he holds and upon which he is not in arrear. R. S. O. 1877, c. 154, s. 12.

Shareholders
not in arrear
entitled to one
vote for every
share held by
them.

13. Every shareholder who has paid all calls made shall be eligible as a director. R. S. O. 1877, c. 154, s. 13.

And eligible
as directors.

14. The directors may elect one of their number to be the president, and may appoint such officers and servants as they deem necessary, and may, in their discretion, take security from each of them for the due performance of his duty, and that he will duly account for all moneys coming into his hands to the use of the company. R. S. O. 1877, c. 154, s. 14.

Directors to
elect president
and take secu-
rity from offi-
cers.

15. If a vacancy happens amongst the directors during the current year of their appointment, by death, resignation, or permanent residence without the county or counties in which the work is situated, or by any other cause, the vacancy shall, unless otherwise provided by some by-law or regulation of the company, be filled up for the remainder of the year in which it happens by a person to be nominated by the majority of the remaining directors. R. S. O. 1877, c. 154, s. 15.

Vacancies
amongst di-
rectors, how
filled up, etc.

Shares to be \$20 each—to be personal property and transferable.

16. Each share in every company shall be \$20, and shall be regarded as personal property, and shall be transferable upon the books of the company, in the manner provided by by-law to be made by the directors in that behalf. R. S. O. 1877, c. 154, s. 16.

After two weeks' notice of call, shareholders may be sued.

17. Every company may sue any shareholder in the company for the amount of any call or calls of stock which the shareholder neglects to pay after public notice thereof for two weeks in the newspaper, or one of the newspapers, published nearest the place where the directors of the company usually meet for the transaction of business, or after a personal demand for payment has been made from such defaulting shareholder by the treasurer of the company. R. S. O. 1877, c. 154, s. 17.

Treasurer's affidavit, evidence of demand.

18. The affidavit of the treasurer shall be deemed sufficient proof of the notice or demand, and a copy of the affidavit shall be filed in the office of the clerk of the Court where the action is heard or decided, or where the trial takes place. R. S. O. 1877, c. 154, s. 18.

Directors to make annual report to municipality.

19. The directors of every company shall annually, in the month of January, report to the municipality within which the work is situate, under the oath of the treasurer of the company—

1. The state and nature of their work ;
2. The amount of all money expended ;
3. The amount of their capital stock, and how much is paid in ;
4. The amount of dividends paid and the amount expended for repairs ; and
5. The amount of debts due by the company. R. S. O. 1877, c. 154, s. 19.

Company to keep books of account, etc.

20. Every company shall keep regular books of account, in which shall be entered a correct statement of the assets, receipts and disbursements of the company, and the books shall be at all times open for the inspection of any person for that purpose appointed by the municipality. R. S. O. 1877, c. 154, s. 20.

Directors may increase capital stock.

21. If the directors of a company find the stock already subscribed insufficient to finish the contemplated work, they may increase the capital stock of the company. R. S. O. 1877, c. 154, s. 21.

Company may borrow money on security of work.

22. Every such company may borrow money on the security of such work, not exceeding one-half the value thereof. R. S. O. 1877, c. 154, s. 22.

23. When any pier, wharf or harbour is so far completed as to be capable of receiving and sheltering vessels, and of safely loading and unloading the same, the company may demand and take as toll or as wharfage to and for their own use and benefit, on all goods, wares and merchandise shipped on board or landed out of any vessel, boat or other craft from or upon any such pier or wharf within the bounds of every such harbour, not exceeding the following, that is to say :

Company may demand tolls, when, and amount, etc.

| | \$ | cts. |
|---|----|------------------|
| Pot or Pearl Ashes.....per barrel | 0 | 06 $\frac{2}{3}$ |
| Pork, Whiskey, Beef, Salt, Lard or Butter, “ | 0 | 05 |
| Flour..... “ | 0 | 03 $\frac{1}{4}$ |
| Lard or Butter.....per firkin or keg | 0 | 01 $\frac{2}{3}$ |
| Grain of all kinds.....per bushel | 0 | 01 $\frac{2}{3}$ |
| Horned Cattle or Horses.....each | 0 | 06 $\frac{2}{3}$ |
| Calves, Sheep or Swine..... “ | 0 | 01 $\frac{2}{3}$ |
| Merchandise.....per ton | 0 | 60 |
| Sawed Lumber, per 1,000 feet board measure.. | 0 | 25 |
| Square or round Timber....per 100 cubic feet. | 0 | 15 |
| Saw Logs..... | 0 | 02 $\frac{1}{2}$ |
| Pipe Staves.....per M. | 0 | 40 |
| West India Pipe Staves..... “ | 0 | 10 |
| Unenumerated articles.....per ton | 0 | 40 |
| Boats of 12 tons or under.....each | 0 | 20 |
| “ over 12 tons and not over 50..... “ | 0 | 40 |
| “ over 50 tons..... “ | 0 | 60 |

R. S. O. 1877, c. 154, s. 23.

24. The president and directors of the company shall, subject to the approval of the Lieutenant-Governor, fix and regulate, from time to time, the tolls, rates, dues or wharfage to be received from all vessels entering their harbour or lying at their pier or wharf, and for loading and unloading all goods, wares or merchandise in such harbour, as to them seems meet ; but such tolls, rates, dues or wharfage shall not in any case exceed the amount herein specified. R. S. O. 1877, c. 154, s. 24.

President and directors to fix tolls, etc.

25. Every company, or their agent, officers or servants may detain any goods, wares or merchandise, or any vessel, boat or craft, until the legal tolls or charges thereon have been paid, and may sell any vessel or boat for the charges for repairs thereof, when such charges have remained unpaid for the space of thirty days, and in cases where the charges for wharfage or storage dues on goods, wares or merchandise have remained unpaid for the space of one year, the company, their agents, officers or servants, after giving ten days' notice of sale, may, by public auction, sell such goods, wares or merchandise, or such part thereof as may be necessary to pay such dues, and shall return the overplus, if any, to the owner or owners thereof. R. S. O. 1877, c. 154, s. 25.

Company may detain vessels and goods, sell the same to pay tolls and other dues.

Municipal councils may hold stock in company.

26. Any municipal council having jurisdiction in the locality in which any such work is to be constructed, may subscribe for, obtain, hold, and transfer stock in the company, and may from time to time direct the mayor, reeve, warden, or other chief officer of the municipality, to subscribe for such stock in the name of the municipality, and to act for the municipality in all matters relative to such stock and the exercise of the rights of the municipality as a shareholder, and such chief officer shall, whether otherwise qualified or not, be deemed a shareholder in the company, and may vote and act as such, subject to the rules and orders in relation to his authority, which may be made in that behalf, by the municipal council, but voting according to his discretion in cases not provided for by the council. R. S. O. 1877, c. 154, s. 26.

Municipality may pay for stock out of unappropriated moneys of municipality.

27. A municipality taking stock may pay for the same out of any moneys belonging to the municipality, and not specially appropriated to any other purpose, and may apply the moneys arising from the dividends or profits on the stock or from the sale thereof, to any purpose to which unappropriated moneys belonging to the municipality may lawfully be applied. R. S. O. 1877, c. 154, s. 27.

Municipalities may purchase stock.

28. A company may sell to any municipality representing the interest of the locality in which the work is situate, and any such municipality may purchase the stock of the company at the value agreed on between them, and the municipality shall hold the same for the use and benefit of the locality; and shall, in all respects thereafter, stand in the place of the company, and shall possess all such powers and authority as the company had theretofore possessed and exercised. R. S. O. 1877, c. 154, s. 28.

Sale of works to pass the rights of the company to the purchaser.

29. In case a pier or wharf constructed by a joint stock company incorporated under the laws of Ontario, has heretofore been or is hereafter sold either by the joint stock company or under some power granted by them, or under legal process against the company, the sale or sales shall, in all cases, be deemed to have passed and to pass the piers or wharves to the purchaser or purchasers thereof, with all the rights, privileges and appurtenances, and subject to all the duties and obligations which the law gave or imposed with reference to the pier or wharf, whilst the same continued the property of the joint stock company which had constructed the same. R. S. O. 1877, c. 154, s. 29.

Municipality, after 21 years, may purchase the stock of company.

30. A municipal council representing the interests of the locality in which the work is situate, may, after twenty-one years from the time of the work being so far completed as that tolls were and have been collected thereon, purchase the stock of the company at the current value thereof at the time of purchase, and shall hold the same for the use and benefit of

the locality; and the municipality shall thenceforth stand in the place of the company, and the council thereof shall possess all such powers and authority as the company had theretofore possessed and exercised. R. S. O. 1877, c. 154, s. 30.

CHAPTER 162.

An Act respecting Joint Stock Companies for the Erection of Exhibition Buildings.

INCORPORATION, ss. 1, 2.

DIRECTORS, ss. 3-5.

By-laws, s. 6.

OFFICERS, s. 7,

SHARES AND THEIR TRANSFER, s. 8.

Calls, ss. 7-12.

MUNICIPALITIES MAY TAKE STOCK,
s. 13.

INCREASE OF CAPITAL, ss. 14-17.

BORROWING POWERS, s. 18.

MUNICIPALITIES MAY LEND MONEY TO
THE COMPANY, s. 19.

LIMITATION OF ACTIONS, s. 20.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Any number of persons, not less than five, may form themselves into a company under the provisions of this Act, for the purpose of purchasing and holding land and erecting suitable buildings thereon for the holding of periodical fairs or exhibitions for agricultural purposes. R. S. O. 1877, c. 155, s. 1.

Companies may be formed for the erection of Exhibition Buildings.

2.—(1) When any number of persons not less than five have subscribed a sufficient quantity of stock to amount to a sum equal in their judgment to the amount required for the purchase of the ground necessary for a building to be used for the purposes aforesaid, and the erection of such building thereon and of the additional ground required for the holding of agricultural fairs or exhibitions, and have executed an instrument according to the form in the schedule to this Act; and have paid to the treasurer of the intended company twenty-five per cent. upon the capital stock intended by the company to be raised for the purposes aforesaid, and have registered the instrument or an original duplicate thereof at full length, together with the receipt from the treasurer of the company for the first instalment of twenty-five per cent., with the registrar of the registry division, the company shall thenceforth be a body corporate by the name designated in the

Conditions on which any such company may become incorporated.

Name and corporate powers.

instrument registered as aforesaid; and by the corporate name shall be capable of taking, purchasing, having and holding any piece or parcel of land in Ontario for the purpose of erecting such building as aforesaid, and also for holding such fairs or exhibitions as aforesaid; such parcel of land not to contain more than one hundred acres. R. S. O. 1877, c. 155, s. 2; 48 V. c. 34, s. 1.

Registration
of instruments
under this
section.

(2) It is hereby declared that any instrument within the meaning of this section shall be deemed to have been registered in accordance with and as required by the provisions of this section if instead of the original instrument there has prior to the 30th day of March, 1885, been filed and registered with the proper registrar, a true copy of the instrument, verified and authenticated as such by a statutory declaration of any person who may have compared the copy with the original. 48 V. c. 34, s. 2.

Directors.

3. The affairs, property and concerns of every company shall be managed by not less than three nor more than nine directors, who shall be shareholders, and subjects of Her Majesty, and a majority of whom shall form a quorum capable of doing business. R. S. O. 1877, c. 155, s. 3.

Quorum.

Election.

4—(1) The directors shall in the first instance be chosen by ballot from among the subscribers to the instrument so to be registered as aforesaid, and thereafter shall be annually elected by the shareholders, on the second Monday in January in each and every year; and upon the first and every such election of directors each shareholder shall be entitled to one vote for every share he may hold or be possessed of up to ten, and one vote for every five shares above ten; but no shareholder shall be allowed to vote at any election unless he has paid all calls upon each share he holds. R. S. O. 1877, c. 155, s. 4.

Voters.

(2) In case no election of directors shall have taken place as provided for in the preceding sub-section, the directors then last chosen shall hold office until new directors are elected; and in such case the president shall, on the written request of any three of the shareholders upon whose stock all the calls have been paid, call a special meeting for the election of directors; by mailing, with the postage thereon prepaid, to each shareholder a written or printed notice of such meeting to be held not sooner than ten days or later than fifteen days from the mailing of such notices; and in case of the default or refusal of the president to call said meeting, for five days after such written demand on him, then the said shareholders so demanding shall have the power to call such meeting in the same manner as the same would have been called by the president, and the election of directors thereat shall be as valid as if the same had been made pursuant to the provisions of the preceding sub-section. 48 V. c. 34, s. 3.

5. The directors, or a majority of them, shall, at their first President. annual meeting, elect one of their number to be president of the company, and the president, if present (or if not present then some director chosen for the occasion), shall preside at all meetings, and in case of equality of votes shall have the casting vote. R. S. O. 1877, c. 155, s. 5.

6. The directors may pass by-laws for the regulation of By-laws, etc. the affairs of the company, and shall keep a book in which shall be recorded all by-laws and proceedings; and all persons shall have access to such book for the purpose of searching the same and making extracts therefrom, without payment of any fee whatsoever. R. S. O. 1877, c. 155, s. 6.

7. Every company shall have a secretary and treasurer Secretary and officers. and such subordinate officers as the company by its by-laws may require, who shall be elected by the directors and required to give such security for the faithful performance of the duties of their respective offices as the company by its by-laws may provide. R. S. O. 1877, c. 155, s. 7.

8. Each share in every company shall be \$20, and shall Shares. be regarded as personal property, and shall be transferable To be person- upon the books of the company, in such manner as may alty. be provided for by the directors in that behalf. R. S. O. 1877, c. 155, s. 8.

9. The directors of every company may call in and de- Calls. mand from the shareholders thereof respectively all sums of money by them subscribed, at such times and in such payments or instalments as the directors deem proper, under the penalty of forfeiting the shares of stock subscribed for and all previous Forfeiture of shares for non-payment. payments made thereon, if payment is not made by the shareholders respectively, within sixty days after a personal demand, or after notice requiring such payment has been given for six successive weeks in a newspaper published at or nearest the place where the business of the company is being carried on. R. S. O. 1877, c. 155, s. 9.

10. A company incorporated as aforesaid may, in any Recovery of Court having jurisdiction in matters of simple contract to the calls on stock, amount demanded, sue for, recover, and receive of or from any shareholder in the company, the amount of any calls of stock which the shareholder neglects to pay after public notice thereof published as aforesaid. R. S. O. 1877, c. 155, s. 10.

11. In any action brought by such company against any What only shareholder to recover money due for any call, it shall need be stated not be necessary to set forth the special matter, but it shall in any action be sufficient for the company to state that the defendant is for calls. the holder of one share or more (stating the number of shares) in the stock of the company, and that he is indebted to

the company in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more (stating the number and amount of each of such calls) whereby an action has accrued to the company by virtue of this Act. R. S. O. 1877, c. 155, s. 11.

What only
need be proved
in any such
action.

12. On the trial of the action it shall be sufficient for the company to prove that the defendant, at the time of making the call, was a holder of one share or more in the undertaking (and when there has been no transfer of the shares, then the proof of subscription to the original agreement to take stock shall be sufficient evidence of holding stock to the amount subscribed), and that the call was in fact made, and notice thereof given as is required; and it shall not be necessary for the company to prove the appointment of the directors who made the call, or any other matter whatsoever; and thereupon the company shall be entitled to recover the amount due upon the call with interest thereon, unless it appears that due notice of the call was not given. R. S. O. 1877, c. 155, s. 12.

Municipalities
may take
stock, etc.

13.—(1) Any municipal corporation in Ontario may subscribe for, acquire, accept, hold, and transfer stock in any company to be formed under the authority of this Act, and from time to time may direct the mayor, warden, or other chief officer thereof, on behalf of the municipality, to subscribe for such stock in the name of such municipality, and to act for and on behalf of the municipality, in all matters relative to such stock, and the exercise of the rights of the municipality as a shareholder; and the mayor, warden, or other chief officer shall, whether otherwise qualified or not, be deemed a shareholder in the company, and may vote and act as such, subject always to such rules and orders in relation to his authority as may be made in that behalf by the municipal council, by by-law or otherwise, but acting according to his discretion in cases not provided for by the council.

Mayor, etc.,
to represent
such stock.

Municipality
may pay calls,
etc.

(2) The municipality may pay for all instalments of the stock which they subscribe for and acquire, out of any moneys belonging to the municipality and not specially appropriated to any other purpose, and may apply the money arising from the dividends or profits on the stock, or from the sale thereof, to any purpose to which unappropriated moneys belonging to such municipality may be lawfully applied. R. S. O. 1877, c. 155, s. 13.

Resolution for
increase of
capital.

14. When the directors of a company incorporated under this Act are of opinion that the capital of the company is insufficient for the purposes of the company, they may from time to time pass a resolution authorizing the increase of the capital, and the resolution shall declare the additional number of \$20 shares that shall be issued. 43 V. c. 18, s. 1.

15. A copy of the resolution certified under the hand of the president, and sealed with the seal of the company, shall be delivered to the registrar having the custody of the original instrument of incorporation, or his deputy, who shall attach the same to the original instrument and note thereon the time of the day, and the day of the month, and year of the receipt of the same, and thereupon the authorized capital of the company shall be increased as mentioned in the resolution. 43 V. c. 18, s. 2.

Resolution to be delivered to registrar.

16. The directors may also direct how the shares shall be allotted, sold or subscribed for, and at what rate of discount or premium. 43 V. c. 18, s. 3.

Allotment of shares.

17. The amount of additional shares may be called in, demanded, and recovered in the same manner and under the same penalties as provided or authorized as to the original stock. 43 V. c. 18, s. 4.

Calls.

18. Every company incorporated as aforesaid may from time to time borrow such moneys as the directors may find requisite for the purposes of the company, from such person or bodies corporate as may be willing to lend the same, and at such lawful rate of interest as may be agreed upon, and may, by instrument under the seal of the company, secure payment thereof; and the directors may, under the authority of a resolution passed by a majority of two-thirds in value of the shareholders present in person or by proxy at a general meeting, hypothecate, mortgage, or pledge the real or personal property of the company to secure any sum or sums so borrowed; and the recital in the instrument of the resolution, expressed to be passed as aforesaid, shall be *prima facie* evidence of the facts so recited. 43 V. c. 18, s. 5.

Power to borrow.

19. Any municipal corporation in Ontario may lend money to any company that may be formed under this Act out of moneys belonging to the municipality, and not appropriated to any other purpose, and may effect such loan upon such terms and conditions as may be agreed upon between the company and the municipality making the loan, and may recover the money so lent, and may appropriate the moneys so recovered to the purposes of the municipality. R. S. O. 1877, c. 155, s. 14.

Municipal corporations may lend money to the company.

20. If an action is brought against any person for any matter or thing done in pursuance of this Act, such action shall be brought within six months next after the fact committed, and not afterwards; and the defendant in the action may plead not guilty by statute, and give this Act and the special matter in evidence on the trial. R.S.O. 1887, c. 155, s. 15.

Limitation of actions.

SCHEDULE.

(Section 2.)

INSTRUMENT OF INCORPORATION.

Be it remembered, that on this _____ day of _____, in the year of our Lord 18____, we, the undersigned Shareholders, met at _____, in the _____ County of _____, in the Province of Ontario, and resolved to form ourselves into a Company, to be called *(here insert the corporate name intended to be taken by the Company)*, according to the provisions of Chapter 162 of the Revised Statutes of Ontario, entitled *An Act respecting Joint Stock Companies for the erection of Exhibition Buildings*, for the purpose of purchasing a parcel of land in the County of _____, and erecting thereon suitable buildings to be used for the purpose of holding periodical Fairs or Exhibitions for agricultural purposes; and we do hereby declare that the Capital Stock of the said Company shall be \$ _____ to be divided into shares at the price or sum of \$20 each; And we, the undersigned Shareholders, do hereby agree to take and accept the number of shares set by us opposite to our respective signatures, and we do hereby agree to pay the calls thereon, according to the provisions of the said in part recited Act, and of the Rules, Regulations, Resolutions and By-laws of the said Company, to be made or passed in that behalf: And we do hereby nominate *(the names to be here inserted)* to be the first Directors of the said Company.

[illegible]

R. S. O. 1877, c. 155, *Sched.*

CHAPTER 163.

An Act respecting the Construction of Roads by Mining Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The proprietors of any mine in Ontario may construct a gravel or macadamized road or a tramway from their mines to the nearest navigable waters or railway or highway, and may take any land required for right of way and stations at a fair valuation, under the provisions of sections 13 to 20, inclusive of *The Railway Act of Ontario* in that behalf, headed "Lands and their valuation," which shall apply to such proprietors, but the said gravel or macadamized road or tramway shall not exceed twenty miles in length. R. S. O. 1877, c. 156, s. 1.

Owner of mine may make tram ways, etc.
Rev. Stat. c. 170, ss. 13-20, to apply.

2. The proprietors of any mine holding lands in fee simple having a frontage of one mile or upwards on any navigable lake, river or stream, may :

When may construct harbours.

1. Construct harbours, wharves, piers and other erections thereon, at the bank of such lake, stream or river, for the accommodation of all kinds of steamers, vessels and craft ;

2. Make rules and regulations for the government and management of such wharves and harbours ;

Make rules.

3. Impose and levy, according to a tariff to be by them adopted for that purpose, and which may from time to time be altered and amended, reasonable wharfage and harbour dues, and fines for the infraction of such rules and regulations. R. S. O. 1877, c. 156, s. 2.

Collect dues.

3. No such rules, regulations or tariff shall be of any force or effect until sanctioned or approved of by the Lieutenant-Governor, and no fine thereby imposed shall exceed \$20 for any one offence, and such fines shall be recoverable in a summary way before any two Justices of the Peace, as if imposed by Act of the Legislature. R. S. O. 1877, c. 156, s. 3.

Being first approved by the Lieutenant-Governor.

4. Any mining company, or the proprietors of any mine, may improve and render navigable for the transport of freight to and from the mine, any water course or water courses, or may construct a channel of communication between navigable water courses, that may be necessary for the full and proper development thereof, for the more advantageous working of the mine, and the conveyance of freight to and from the same.

May improve water courses.

To indemnify owners. But every mining company or the proprietors shall be liable to indemnify all persons who may thereby suffer injury to their property or rights. R. S. O. 1877, c. 156, ss. 4, 5.

May enter up-
on Crown or
private lands. 5. For the purposes aforesaid, the mining company, or proprietors of any mine, may enter into and upon the lands of Her Majesty, or of any person or persons, body corporate or otherwise, for the purposes and subject to the conditions aforesaid, and may survey and take levels of the same or any part thereof found necessary and proper for the construction of tramways, or for making channels of water communication or improving the navigation of any water course or water courses. R. S. O. 1877, c. 156, s. 6.

Declaration by
person desir-
ing incorpora-
tion. 6. No beach, lot, or land covered with water, or other public property, shall be taken under this Act without the consent of the Lieutenant-Governor in Council, and then only upon such terms and conditions as he thinks proper. R. S. O. 1877, c. 156, s. 7.

Plans to be
approved by
Lieutenant-
Governor in
Council. 7. No harbour or river improvement shall be made under this Act, or any property taken therefor, so as to interfere with the navigation of the harbour or river or until the proposed plan and extent thereof, and of the works therewith connected, have been submitted to and approved by the Lieutenant-Governor in Council; but the plan may afterwards be altered and extended with such consent and approval. R. S. O. 1877, c. 156, s. 8.

CHAPTER 164.

An Act respecting Joint Stock Companies, for supplying Cities, Towns and Villages with Gas and Water.

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|---|---|
| INTERPRETATION, s. 1. | GAS COMPANIES, ss. 54-57. |
| INCORPORATION, ss. 2-8. | WATER COMPANIES, ss. 58, 59. |
| BY-LAWS, ss. 9, 10. | POWERS AND DUTIES OF COMPANIES, ss. 60-70. |
| DIRECTORS AND OFFICERS, ss. 11-20. | Restrictions on powers, ss. 81, 82. |
| Liability of, ss. 24-28. | BORROWING POWERS, ss. 71-80. |
| SPECIAL MEETINGS, s. 21. | PROHIBITIONS AND PENALTIES, ss. 83-90. |
| ANNUAL REPORT, ss. 22, 23. | Enforcement of penalties, ss. 91-93. |
| LIABILITIES AND RIGHTS OF EXECUTORS, ETC., ss. 29-32. | ARBITRATIONS, ss. 94-97. |
| BOOKS TO BE KEPT, ss. 33-38. | MUNICIPALITIES ACQUIRING WORKS, ss. 98-106. |
| SHARES AND THEIR TRANSFER, ss. 39-42. | TRUSTEES UNDER 16 V. c. 173, s. 107. |
| INCREASE OF CAPITAL STOCK, ss. 43-50. | |
| MUNICIPALITIES TAKING STOCK, ss. 51, 52. | |
| ALIENS MAY HOLD STOCK, s. 53. | |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

INTERPRETATION.

1. The word “company,” wherever it occurs in this Act, shall be construed to mean a joint stock company incorporated by registration under the provisions of this Act or of some former Act respecting Gas and Water Incorporated Joint Stock Companies. R. S. O. 1877, c. 157, s. 1.

FORMATION OF COMPANIES.

2. Any five or more persons who desire to form a company for supplying any city, town, incorporated village, township or other municipality with gas or water, or with both gas and water, may make and sign a statement or declaration in writing, in which shall be set forth :

Declaration
by persons
desiring incor-
poration.

1. The corporate name of the company ;
2. The object for which the same is formed ;
3. The amount of capital stock of the company, which shall be divided into shares of \$20 each, and such stock, in the case

of a gas and water company in a city, shall not exceed \$300,000, if gas or water only is to be supplied, and \$600,000 if both gas and water are to be supplied; and in the case of a town or village, shall not exceed \$200,000 if gas or water only is to be supplied, and \$400,000 if both gas and water are to be supplied; and the money so raised shall be appropriated to the purpose of constructing, completing, acquiring and maintaining their said gas works or water works, or gas and water works, and to no other object or purpose whatever;

4. The number of shares of which the stock is to consist;

5. The number and names of the directors who are to manage the concerns of the company for the first year;

6. The name of the municipality in which the operations of the company are intended to be carried on; and

7. The term of the company's proposed existence, which shall not exceed fifty years. R. S. O. 1877, c. 157, s. 2.

To be acknowledged in duplicate.

3. The persons making the statement or declaration shall acknowledge the same in duplicate before the mayor or chief magistrate of the municipality, and he shall receive the same, and grant a certificate thereof. R. S. O. 1877, c. 157, s. 3.

How companies are to proceed.

4. If upon the petition of the persons desiring to form the company the municipal council of the municipality in which the operations of the company are to be carried on, pass within thirty days from the date of such acknowledgment, a by-law granting authority to such persons as a company to lay down pipes for the conveyance of water or gas, or both, under the streets, squares and other public places of the municipality, the registrar of the registry division in which the same is situate, on the production of one of the duplicates of the statement or declaration, with a proper certificate of the acknowledgment thereof endorsed thereon, and a duly certified copy of the by-law attached thereto, shall file the same and make an entry thereof in a book to be kept by him for that purpose; and the other of the duplicates, with a proper certificate endorsed thereon of the acknowledgment thereof, and of the filing and registration thereof, and of such by-law, and with a certified copy of the by-law thereto annexed, shall forthwith be transmitted to and filed in the office of the Provincial Secretary. R. S. O. 1877, c. 157, s. 4.

When to become incorporated.

5. When the formalities required by the preceding sections of this Act have been complied with, the persons who have signed the statement or declaration, and all persons who thereafter become shareholders of the company thereby established shall be a body corporate, by the style and title mentioned in the statement or declaration. R. S. O. 1877, c. 157, s. 5.

6. Compliance with the formalities prescribed in the preceding sections of this Act for the formation of any company, shall be conclusively established by the insertion in the *Ontario Gazette* of a notice to that effect by the Provincial Secretary. Proof of compliance, etc.
R. S. O. 1877, c. 157, s. 6.

7. A copy of the whole of the registered statement or declaration registered in pursuance of this Act, and certified by the registrar or his deputy to be a true copy, shall be received in all Courts and places as *prima facie* evidence of the facts therein stated. Certified copies to be evidence.
R. S. O. 1877, c. 157, s. 7.

8. Any company incorporated under this Act may, in their corporate name, purchase and hold, sell and convey lands, tenements and hereditaments for them and their assigns and successors for the use of the said gas works or water works, or gas and water works, and the real estate holden by such company shall be held for the purposes for which the company is incorporated and for no other purpose. May hold lands, etc.
R. S. O. 1877, c. 157, s. 8; 46 V. c. 14, s. 1.

BY-LAWS.

9. A majority of the shareholders of such company present at any special general meeting may make such by-laws as they deem proper for the following purposes: Power to make by-laws.

1. For the management and disposition of the stock, business and affairs of the company;

2. For the appointment of officers and prescribing their duties, and those of all artificers and servants that may be employed, and for carrying on all kinds of business within the objects and purposes of the company;

3. For appointing the number of directors of the company, who shall not exceed nine, nor be less than three, including the head of any municipality holding stock in the company to the amount of \$10,000 or upwards, as prescribed by sub-section 31 of section 489 of *The Municipal Act*; and for determining the number of shares it shall be necessary for a shareholder to hold to qualify him to act as a director; Rev. Stat. c. 184, s. 186 (32).

4. For the payment of directors with the consent of a majority of the shareholders at the annual meeting, or for the appointment of one or more paid directors;

5. For the amending, altering or repealing any by-law of the company made under the authority of this or of any other statute. R. S. O. 1877, c. 157, s. 9.

10. A copy of any by-law of the company, purporting to be under the hand of the clerk, secretary or other officer thereof, and having the corporate seal of the company affixed to it, shall be received as *prima facie* evidence of such by-law in all Courts in this Province. Copy of by-law to be evidence.
R. S. O. 1877, c. 157, s. 10.

DIRECTORS AND OFFICERS.

Affairs to be managed by directors.

11. The stock, property and concerns of every company incorporated under this Act or any former Act for a like purpose, shall be managed by not less than three nor more than nine directors, as provided in the by-laws, and the directors shall respectively be shareholders in the company, and a majority of the number of the directors shall constitute a quorum for the transaction of business. R. S. O. 1877, c. 157, s. 11.

Directors to be elected by shareholders.

12. The directors, except for the first year, shall be annually elected by the shareholders at a time and place which shall be directed by the by-laws of the company. R. S. O. 1877, c. 157, s. 12.

Notice of election.

13. Notice of the time and place of holding such election shall be inserted not less than ten days previous thereto in a newspaper published in the municipality where the operations of the company are carried on, or if there is no such newspaper, then in a newspaper published in the county town. R. S. O. 1877, c. 157, s. 13.

Who to elect.

14. The election shall be made by such of the shareholders as attend for that purpose either in person or by proxy. R. S. O. 1877, c. 157, s. 14.

By ballot.

15. All elections shall be by ballot, and every shareholder shall be entitled to as many votes as he owns shares of stock in the company. R. S. O. 1877, c. 157, s. 15.

Majority of votes.

16. The persons receiving the greatest number of votes shall be directors. R. S. O. 1877, c. 157, s. 16.

Vacancies, how filled.

17. When a vacancy happens amongst the directors by death, resignation or otherwise, it shall be filled for the remainder of the year in the manner provided by the by-laws of the company. R. S. O. 1877, c. 157, s. 17.

If election not held on regular day.

18. If the election of directors is not made on the day when according to the by-laws of the company it ought to be made, the company shall not for that reason be dissolved, but the shareholders may hold the election on any other day in the manner provided for by the by-laws, and all acts of directors until their successors are elected shall be valid and binding as against the company. R. S. O. 1877, c. 157, s. 18.

The president.

19. The directors shall elect from among themselves a chairman or president, and the company shall also have such subordinate officers as the by-laws thereof require. R. S. O. 1877, c. 157, s. 19.

20. The subordinate officers shall be appointed by the directors, and be required to give such security for the faithful performance of the duties of their respective offices as may be provided by the by-laws of the company. R. S. O. 1877, c. 157, s. 20.

SPECIAL MEETINGS.

21.—(1) The president or any three directors of such company may call a special general meeting of the shareholders for any purpose, giving at least ten days' notice by advertisement in one or more newspapers published in the municipality where the business of the company is carried on, or by a circular mailed to the address of each shareholder, at least ten days previous to the time appointed for holding the meeting. President or directors may call meetings.

(2) If there is no newspaper so published, the notice may be given in the same manner as a notice of the time and place for holding elections. R. S. O. 1877, c. 157, s. 21.

ANNUAL REPORT.

22.—(1) Every company incorporated under this Act shall, annually, within twenty days from the first day of January, make a report which shall be inserted in some newspaper published in the municipality where the business of the company is carried on, stating the amount of capital stock of the company, and the proportion thereof then actually paid in, together with the amount of the existing debts of the company. Yearly report.

(2) If there be no newspaper so published, the report shall, within the time aforesaid, be inserted in a newspaper published in the county town. R. S. O. 1877, c. 157, s. 22.

23. Such report shall be signed by the chairman or president, and a majority of the directors, and shall be verified by the oath of the chairman or president, or of the secretary of the company, and shall be entered and registered in the registry office of the registry division in which the business of the company is carried on. R. S. O. 1877, c. 155, s. 23. By whom to be signed.

INDIVIDUAL LIABILITY OF DIRECTORS AND OTHERS.

24. The directors of a company failing to comply with the requirements of the last preceding two sections, shall be jointly and severally liable for all the debts of the company then existing, and for all contracted until such report is made. R. S. O. 1877, c. 157, s. 24. Liability of directors in default.

25. If the directors of any company declare and pay any dividend when the company is insolvent, or any dividend the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the company then existing. Directors individually liable if they declare dividends when company insolvent.

How director
may exonerate
himself from
liability.

isting, and for all thereafter contracted during their continuance in office respectively; but if any director objects to the declaring or payment of such dividend, and, at any time before the time fixed for the payment thereof, files a written statement of such objection in the office of the secretary of the company, and also in the registry office of the registry division, such director shall be exempt from such liability. R. S. O. 1877, c. 157, s. 25.

Loans not to
be made to
shareholders.

26. No loan of money shall be made by any company to any shareholder therein; and if such loan be made to a shareholder, the officers who make or assent thereto shall be jointly and severally liable to the extent of the loan, with legal interest thereon, for all the debts of the company thereafter contracted until the repayment of the sum loaned. R. S. O. 1877, c. 157, s. 26.

Consequences
of false certi-
ficates or re-
ports.

27. If any certificate or report made, or public notice given by the officers of a company, in pursuance of this Act, is false in any material representation, all the officers who signed the same shall be jointly and severally liable for all the debts of the company contracted while they are officers or shareholders thereof respectively. R. S. O. 1877, c. 157, s. 27.

When direc-
tors liable to
creditors.

28. If the indebtedness of the company at any time exceeds the amount of its capital stock, the directors assenting thereto shall be personally and individually liable to the creditors of the company for such excess. R. S. O. 1877, c. 157, s. 28.

Exemption of
executors, etc.

29. No person holding stock in a company as executor, administrator, guardian or trustee, shall be personally subject to liability as a shareholder, but the estates and funds in the hands of such person, shall be liable in like manner and to the same extent as the testator or intestate, or the minor, ward, or person interested in the trust fund would be, if living and competent to act and holding such stock in his own name 48 V. c. 33, s. 5.

Liability in
respect of
stock held as
collateral se-
curity.

30 No person holding stock in a company as collateral security shall be personally subject to liability as a shareholder, but the person pledging the stock as collateral security shall be considered as holding the same, and shall be liable as a shareholder in respect thereof. 48 V. c. 33, s. 6.

Guardian, etc.,
may vote.

31. Every executor, administrator, guardian or trustee, shall represent the shares of stock in his hands at all meetings of the company, and may vote accordingly as a shareholder; and every person who pledges his stock as aforesaid, may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder. R. S. O. 1877, c. 157, s. 30.

32. No person holding stock as executor, administrator, guardian or trustee, shall be a director or hold any office in the service of such company; and all votes given to such person shall be void. Not to be a Director. R. S. O. 1877, c. 157, s. 31.

STOCK BOOKS.

33. The directors of every company shall cause a book to be kept by the treasurer or secretary thereof, containing, in alphabetical order, the names of all persons who are or have been shareholders of the company, and shewing : Stock books, to be kept.

1. Their places of residence ;
 2. The number of shares of stock held by them respectively ;
 3. The time when they respectively became the owners of the shares ; and
 4. A statement of all the existing debts and liabilities of the company, and of the amount of its stock actually paid in.
- R. S. O. 1877, c. 157, s. 32.

34. Such books shall, during the usual business hours of the day, on every day except Sundays and holidays, be open for the inspection of shareholders and creditors of the company, and their personal representatives, at the office or principal place of business of the company. Open to inspection. R. S. O. 1877, c. 157, s. 33.

35. Every shareholder, creditor or representative may make extracts from such book ; and no transfer of stock shall be valid for any purpose whatever, except to render the person to whom it is transferred liable for the debts of the company, until an entry thereof has been made as required by section 33 of this Act, and shewing to and from whom such stock has been transferred. Extracts may be taken and by whom. When transfer to be complete. R. S. O. 1877, c. 157, s. 34.

36. Such book shall be *prima facie* evidence of the facts therein stated in favour of the plaintiff in any action or proceeding against the company or against any one or more shareholders. To be evidence. R. S. O. 1877, c. 157, s. 35.

37. Every officer or agent of a company who refuses or neglects to make any proper entry in such book, or to exhibit the same, or allow the same to be inspected and extracts to be taken therefrom, shall be liable to a fine, at the discretion of the directors, not exceeding \$40. Penalty for not making entries, etc. R. S. O. 1877, c. 157, s. 36.

38. Every company that neglects to keep such book open for inspection as aforesaid, shall forfeit the corporate rights, character and privileges acquired by it in pursuance of this Act. Neglect to cause forfeiture. R. S. O. 1877, c. 157, s. 37.

SHARES AND THEIR TRANSFER.

Stock to be personal property.

39. The stock of every company shall be personal property, and shall be transferable in such manner as may be prescribed by the by-laws of the company. R. S. O. 1877, c. 157, s. 38.

Shares not transferable when shareholder in arrear.

40. No shares shall be transferable until all previous calls thereon, and all debts due to the company by the shareholder wishing to transfer his share, for gas, water rent, fixtures or otherwise, have been fully paid, or until the shares have been declared forfeited for the non-payment of calls thereon. R. S. O. 1877, c. 157, s. 39.

Transfer to be entered.

41. No transfer of shares shall be valid unless entered and registered in a book or books to be kept for that purpose in the manner provided by the by-laws of the company. R. S. O. 1877, c. 157, s. 40.

Company not to take stock in other corporations.

42. No company shall use any of its funds in the purchase of stock in any other corporation. R. S. O. 1877, c. 157, s. 41.

INCREASING THE CAPITAL STOCK.

Increase of stock.

43. Whenever a majority of the directors of a company are of opinion that the capital stock thereof is insufficient for the purposes for which the company has been incorporated, they may call a general meeting of the shareholders of the company, giving at least ten days' notice of the time and place of meeting, either by advertisement in one or more newspapers published as mentioned in section 13, or by a circular addressed to each shareholder, and mailed at least ten days previous to the time appointed for holding the meeting, and a majority of the shareholders who are present may pass a by-law for increasing the capital stock of the company to such amount as they deem necessary for carrying out the purposes of the company, but not in the whole exceeding the amounts respectively hereinbefore mentioned, and for authorizing the raising of such additional capital by the issue of additional shares of \$20 each, and for enabling the directors to receive subscriptions for the whole or any part of such additional capital from any person or body corporate, or otherwise, under such regulations as may be made by the directors in that behalf. R. S. O. 1877, c. 157, s. 42.

What majority to decide.

Subscribers' names to be entered on register of shareholders.

44. The name of every subscriber for any new or additional stock so authorized to be subscribed for in such company, shall be forthwith entered as that of a shareholder in the register of shareholders of the company, with the date of subscription and number of shares subscribed for; and thereupon the shareholder shall become liable to the directors of every such company for the payment of the full amount subscribed, in

such instalments, and at such times as the directors may be authorized to call the same in, and the shareholder shall be subject to all the conditions, restrictions and liabilities, and entitled to all the rights, privileges, benefits and advantages to which the original shareholders may thenceforth be subject or entitled. R. S. O. 1877, c. 157, s. 43.

Liability of
new share-
holder. c

45. Every shareholder shall be held liable to the directors of the company for the payment of the full amount subscribed, and the directors may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed; at such times and in such payments or instalments as the directors deem proper, provided that no one instalment shall exceed ten per cent., and that not less than one month shall intervene between the calls for any two instalments save and except in the case of any original stock of any company formed before the 30th day of May 1855, in which latter case not less than three months shall intervene between such calls. R. S. O. 1877, c. 157, s. 44.

Shareholders
to be liable for
full amount
subscribed.

46. If payment is not made by the shareholders respectively within sixty days after personal demand, or after notice requiring such payment has been published for six successive weeks in a newspaper published in the municipality where the business of the company is carried on, or if there is no newspaper so published, then in a newspaper published in the county town, the directors may declare forfeited the shares upon which the instalments have not been paid; which forfeiture shall be a discharge to the holders of the shares so forfeited from all further liability either to the company or to any third party in respect of the shares so forfeited; but the holders of shares so forfeited shall lose whatever sum or sums they have paid on or for such shares. R. S. O. 1877, c. 157, s. 45.

If calls not
paid, shares
liable to
forfeiture.

47. The directors may sue any shareholder for the amount of the calls on his stock due and not paid, instead of forfeiting the same. R. S. O. 1877, c. 157, s. 46.

Or directors
may sue.

48. If at the time appointed for the payment of any call any shareholder fails to pay the amount of the call payable by him, he shall be liable to pay interest, at the legal rate for the time being, for the same, from the day appointed for payment thereof to the time of the actual payment, and may be sued by the directors for such call and interest in any Court of competent jurisdiction. R. S. O. 1877, c. 157, s. 47.

Interest to be
paid on calls
in arrear.

49. In an action to recover any money due upon any share, it shall not be necessary to set forth the special matter, but it shall be sufficient to state that the defendant is the holder of one share or more, stating the number of shares, and

Statement in
action.

is indebted in the sum of money to which the calls in arrear amount, whereby an action has accrued to the company by virtue of this Act. R. S. O. 1877, c. 157, s. 48.

Requisite
proof.

50. At the trial of the action it shall be sufficient to prove the fact so stated, and the evidence of one witness in respect of all facts required to be proved shall be *prima facie* sufficient without the production of any documentary proof whatever. R. S. O. 1877, c. 157, s. 49.

MUNICIPALITIES TAKING STOCK.

Municipalities
may take
stock.

51. Any of the municipalities in which the works of any such company are erected or placed may subscribe to or take stock in the company, or may loan any sum of money, on mortgage or otherwise, to the company, or contribute in any manner towards advancing the object for which the company has been incorporated. R. S. O. 1877, c. 157, s. 50.

When the
head to be a
director.

52. The head for the time being of a municipality holding stock in such company to the extent of one-tenth part or more of the whole of the capital stock thereof, shall be *ex officio* a director of the company so long as the municipality continues to hold stock to the extent aforesaid. R. S. O. 1877, c. 157, s. 51.

ALIENS.

Aliens may
hold stock.

53. Aliens may hold stock in such company, and enjoy all the privileges in the company which they would have if they were subjects of Her Majesty. R. S. O. 1877, c. 157, s. 52.

GAS COMPANIES.

Powers of gas
companies
extended.

54. All gas companies now existing or hereafter formed, and whether incorporated by special Acts or under any general Act, are hereby authorized to manufacture and supply gas for heating, cooking, and all other purposes for which gas is capable of being used, and to manufacture and supply electric, galvanic, or other artificial light, either in connection with gas or otherwise; and to acquire any patent or other rights for the manufacture or production of any artificial light; and to manufacture or buy, and also to sell or lease, all fittings, machines, apparatus, or other things required for the use of the said company or its consumers. 42 V. c. 23, s. 1.

Power to use
present works
etc.

55. For the purpose of exercising the said powers or any of them, the existing gas companies may use their present works so far as practicable, and may alter their existing works, or erect new works; and all powers which they now possess may be exercised and enforced in respect to all works or apparatus which the said companies shall construct or use in the exercise of the powers by this Act created or any of them. 42 V. c. 23, s. 2.

56. No company shall be entitled by virtue of this Act to take possession or make use of private property, or to do any work thereon, under the compulsory powers of the company in that behalf, until the amount to be paid for or in respect of such property is ascertained by arbitration or otherwise, as the case may be, and is paid or tendered to the parties entitled thereto, or is paid into Court for their benefit. 42 V. c. 23, s. 4.

Company not to take private property till compensation made.

57. No such company shall be entitled to the benefit of this Act until it has obtained the consent of the municipal corporation of the city or local municipality within which the powers hereby given are to be exercised by such company; such consent to be by by-law, and to be on such terms and conditions as the by-law may provide. 42 V. c. 23, s. 5.

Consent of municipality required.

WATER COMPANIES.

58.—(1) In case any water company, incorporated under this Act, desires to exercise any of the compulsory powers conferred upon municipal corporations by sections 4, 10, 11 and 13 of *The Municipal Water Works Act*, and if the council of the municipality declare by by-law that it is necessary in the public interest of such municipality that the powers proposed to be exercised should be exercised by such company, the company may, subject to the provisions of the said Act as to compensation, exercise any of such powers; and in applying the provisions of the said Act the company shall be substituted for the municipal corporation.

Municipality may grant to water companies compulsory powers conferred by Rev. Stat. c. 192, ss. 4, 10, 11, 13.

(2) The power or powers to be exercised, and the property or properties in respect to which it or they is or are to be exercised, shall be specifically mentioned in any by-law passed under this section. 45 V. c. 18, ss. 1, 2.

Particulars to be stated in by-laws.

59. The next preceding section shall apply to every company incorporated under the Act passed in the sixteenth year of Her Majesty's reign, intituled, *An Act to provide for the formation of incorporated Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, or under the Consolidated Statutes of Canada, chapter 65, or under chapter 157 of the Revised Statutes of Ontario, 1877, whether such company is incorporated for the purpose of supplying gas or water, or both, or for the purpose of furnishing any other means of heating or lighting. 47 V. c. 26, s. 6.

Application of next preceding section.

POWERS AND DUTIES OF COMPANIES.

60. Every company may sell and dispose of gas meters, and gas and water fittings of every description for the use of private and public houses, or for any establishment, company or corporation whatsoever, as well as coke, coal tar, and all and every the products of the works, refuse or residuum arising or to be obtained from the materials used in or necessary for

Companies may sell gas and water fittings,

Or lease the same.

the manufacture of gas; and every company may let out to hire gas meters, and gas and water fittings of every kind and description, at such rate and rents as may be agreed upon between the consumers or tenants and the company. R. S. O. 1877, c. 157, s. 53.

Removal of fittings by company from customers' premises.

61. Where a customer discontinues the use of the gas or other means of lighting or heating, or water, furnished by a company incorporated under this Act, or the company lawfully refuses to continue any longer to supply the same, the officers and servants of the company may, at all reasonable times enter the premises in or upon which such customer was supplied with gas, or other means of lighting or heating, or water, for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the company, in or upon such premises, and may remove the same therefrom, doing no unnecessary damage. 46 V. c. 14, s. 2.

Companies may excavate streets, etc.

62. Any company may break up, dig and trench, so much and so many of the streets, squares, highways, lanes and public places of the municipalities for supplying which with gas or water, or both, the company has been incorporated, as are necessary for laying the mains and pipes to conduct the gas or water, or both, from the works of the company to the consumers thereof, doing no unnecessary damage in the premises, and taking care as far as may be to preserve a free and uninterrupted passage through the said streets, squares, highways, lanes and public places, while the works are in progress. R. S. O. 1877, c. 157, s. 54.

Other pipes not to encroach on main pipes laid down.

63. Where such company has laid down main pipes for the supply of gas or water in or through any of the streets, squares or public places of any municipality, no other person or persons, bodies politic or corporate, shall, without the consent of the company first had and obtained, nor otherwise than upon payment to the company of such compensation as may be agreed upon, lay down any main pipe for the supply of gas or water within six feet of the company's main pipes, or if it be impracticable to cut drains for such other main pipes at a greater distance, then as nearly six feet as the circumstances of the case will admit. R. S. O. 1877, c. 157, s. 55.

Companies may pass through buildings to introduce pipes.

64 Where there are buildings within the municipality the different parts whereof belong to different proprietors, or are in possession of different tenants or lessees, the company may carry pipes to any part of any building so situate, passing over the property of one or more proprietors or in the possession of one or more tenants to convey the gas or water, or both, to the property of another or in the possession of another, and such pipes shall be carried up and attached to the outside of the building. R. S. O. 1877, c. 157, s. 56.

65. The company may also break up and uplift all passages common to neighbouring proprietors or tenants, and dig or cut trenches therein for the purpose of laying down pipes or taking up and repairing the same, doing as little damage as may be in the execution of the powers granted by this Act. R. S. O. 1877, c. 157, s. 57.

May also break up, etc., all passages.

66. Every company shall make satisfaction to the owners or proprietors of buildings or other property, or to the public, for all damages by them sustained in or by the execution of any of the said powers, subject to which provision this Act shall be sufficient to indemnify every such company and their servants, and those by them employed, for what they or any of them do in pursuance of the powers hereby granted. R. S. O. 1877, c. 157, s. 58.

Company to make satisfaction to owners for damage done.

67. Every company shall construct and locate their gas works and water works, and all apparatus and appurtenances thereunto belonging or appertaining, or therewith connected, and wheresoever situated, so as not to endanger the public health or safety. R. S. O. 1877, c. 157, s. 59.

Public safety not to be endangered.

68. Where a company, whether incorporated or unincorporated, has constructed any gas or water works for supplying any municipality or municipalities with gas or water, and where there is a sufficient supply thereof, it shall be the duty of the company to supply with gas or water all buildings within the municipality situate upon land lying along the line of any supply pipe of the company, upon the same being requested by the owner, occupant or other person in charge of any such building. 47 V. c. 26, s. 2.

Company constructing works to supply gas or water to buildings on line of supply, on request.

69. A company, before supplying gas or water to any building or as a condition to its continuing to supply the same, may require any consumer to give reasonable security for the payment of the proper charges of the company therefor, or for carrying the gas or water into such building. 47 V. c. 26, s. 3.

Company may require security from consumer.

70. Nothing in the preceding two sections contained shall be construed in any way to affect the liability of any company in respect of damages on account of any failure of supply through mischance, accident or mismanagement, but the position of the company in respect thereto shall remain as if the said two sections had not been passed. 47 V. c. 26, s. 4.

Liability for failure of supply not affected.

[See also Cap. 184, s. 480.]

COMPANIES BORROWING MONEY.

71. A company may, either in this Province or out of it, borrow money at any rate of interest (in conformity with the laws of Canada) that the president and directors of the company deem necessary. R. S. O. 1877, c. 157, s. 60.

Companies may borrow money.

Limit thereto. **72.** The sum so borrowed shall not exceed the sum of \$40,000, to be expended in gas works, and the like sum for water works, for an incorporated village; and for a town or city to be expended in either gas or water works the sums following: for a town, the sum of \$50,000, and for a city, the sum of \$100,000. 49 V. c. 33, s. 1.

May mortgage works. **73.** For securing the repayment of money so borrowed, with interest thereon, the company or the president thereof, by and with the consent of a majority of the directors, may mortgage, secure and assign the real estate, works, rates, revenues, rents and future calls on shareholders of the company. R. S. O. 1877, c. 157, s. 62.

Company giving mortgage may make same a preferential charge on property and works, **74.**—(1) Where a company incorporated under this Act borrows money upon a conveyance by way of mortgage given under the preceding section of this Act, and it is by the mortgage declared that the same is intended to be a preferential charge upon the property and rights covered thereby, the mortgage, upon being registered in the registry office of the registry division in which the lands affected lie, shall, subject to the provisions of the registry laws, take priority of any mortgage, bond, debenture, or other security subsequently executed or granted by the company.

(2) Nothing in this section contained shall be used to aid in determining whether or not mortgages executed before the 25th day of March, 1884, by any company are within section 76 of this Act. 47 V. c. 26, s. 5.

Bonds, etc., may be payable to bearer. **75.** All bonds, debentures or other securities granted for the purpose aforesaid may be made payable to bearer or transferable by endorsement or otherwise, as the directors see fit; but no bond or debenture shall be made or granted for a less sum than \$200. R. S. O. 1877, c. 157, s. 63.

No preference allowed. **76.** The bonds, debentures, future calls or other securities so granted and pledged as securities for money borrowed, shall be equitably and proportionately liquidated or paid out of the funds or receipts of the company, without preference to any of such securities over each other. R. S. O. 1877, c. 157, s. 64.

Protection of bondholders, etc. **77.** No such bonds or debentures or other securities so pledged shall prevent the directors of the company from receiving and applying such future calls to the purposes of the company, so long as the money due on all such bonds and debentures does not exceed the amount of all the calls still remaining unpaid. R. S. O. 1877, c. 157, s. 65.

Power of directors in executing bonds, etc. **78.** The directors of the company, by a resolution entered upon the books of the company, and without the formality of passing a by-law, may, from time to time as they

see fit, authorize the president or manager of the company to sign such particular bonds, mortgages, contracts or instruments as it may, in the opinion of the directors, be necessary or expedient so to sign, and to affix the common seal of the company thereto. R. S. O. 1877, c. 157, s. 66.

79. The president or the manager of the company, from time to time authorized as aforesaid, may draw, sign or accept such promissory notes or bills of exchange for the purposes of the company, without seal, as in the opinion of the directors it may be necessary or expedient so to sign or accept. R. S. O. 1877, c. 157, s. 67.

And notes or bills.

80. All such bonds, contracts, mortgages and instruments so signed and sealed by the person authorized as aforesaid, and also such notes and bills so signed, drawn or accepted by the person authorized as aforesaid, shall be valid and binding on the company, and be held to be the act and deed of the company; but such bonds, bills or debentures and securities as aforesaid shall not exceed the amount which the company is by this Act empowered to borrow. R. S. O. 1877, c. 157, s. 68.

Securities duly executed to be valid.

RESTRICTIONS.

81. Nothing contained in this Act shall authorize such company or any person acting under the authority of the same, to take, use or injure for the purposes of the company, any house or other building, or any land used or set apart as a garden, orchard, yard, park, paddock, plantation, planted walk or avenue to a house, or nursery ground for trees, or to convey from the premises of any person any water already appropriated and necessary for his domestic uses, without the consent, in writing, of the owner or owners thereof first had and obtained. R. S. O. 1877, c. 157, s. 69.

Restrictions on the powers of companies.

82. Nothing in this Act shall authorize any company to interfere with or infringe upon any exclusive privilege granted to any other company. R. S. O. 1877, c. 157, s. 70.

Rights of other companies protected.

PROHIBITIONS AND PENALTIES.

83. If any person lays or causes to be laid any pipe or main, to communicate with any pipe or main belonging to such company, or in any way obtains or uses its gas or water without the consent of the company, he shall forfeit and pay to the company the sum of \$120, and also a further sum of \$4 for each day during which such communication remains, which sums, together with costs in that behalf incurred, may be recovered by action in any Court in this Province having jurisdiction to the amount claimed. R. S. O. 1877, c. 157, s. 71.

Penalty for illegal interference by others.

Penalties for
injurious acts.

84. If any person—

1. Wilfully or maliciously breaks up, pulls down, or damages, injures, puts out of order or destroys, any main pipe, engine, water-house pipe, plug or other works, or apparatus, appurtenances or dependencies thereof, or any matter or thing made and provided for the purpose aforesaid, or any of the materials used and provided for the same, or ordered to be erected, laid down or belonging to any such company; or

2. In anywise wilfully does any other injury or damage, for the purpose of obstructing, hindering or embarrassing the construction, completion, maintaining or repairing of the said works, or causes or procures the same to be done; or

3. Bathes, or washes, or cleans any cloth, wool, leather, skin, animals, or any nauseous or offensive thing, or casts, throws or puts any filth, dirt or any nauseous thing, or causes, permits or suffers the water of any sink, sewer or drain to run or be conveyed into, or causes any other annoyance to be done to the water within any reservoir, cistern, pond, source or fountain from which the water belonging to the company is to be supplied or conveyed; or

4. Increases the supply of gas or water, agreed for with the company, by increasing the number or size of the holes in the gas burners, or using the gas without burners, or otherwise wrongfully, negligently or wastefully burning the same, or by wrongfully or improperly burning the same, or by wrongfully or improperly wasting the water or gas;

On conviction. such person shall, on conviction thereof before a Justice of the Peace or any other person authorized to act in that capacity in the locality wherein the offence has been committed, be compelled to pay for the use of the company a penalty not exceeding \$20 together with costs of prosecution, or be confined to the common gaol of such county for a space of time not exceeding three months, as to such justice seems meet. R. S. O. 1877, c. 157, s. 72.

Private rights
as to gas and
water.

85. Nothing in this Act contained shall prevent any person from constructing any works for the supply of gas or water to his own premises R. S. O. 1877, c. 157, s. 73.

Fittings not
liable to
seizure.

86. Neither the service nor connecting pipes of the company, nor any meters, lustres, lamps, pipes, gas fittings or any other property of any kind whatsoever of the company, shall be subject to or liable for rent, nor liable to be seized or attached in any way by the possessor or owner of the premises wherein the same may be, nor be in any way whatsoever liable to any person for the debt of any person to and for whose use or the use of whose house or building the same may be supplied by the company, notwithstanding the actual or apparent possession thereof by such person. R. S. O. 1877, c. 157, s. 74.

87. If any person wilfully or maliciously damages or causes or knowingly suffers to be damaged any meter, lamp, lustre, service pipe, or fittings belonging to any such company, or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the meter or meters indicate less gas than actually passes through the same, such person shall incur a penalty to the use of the company, for every such offence, of a sum not less than \$4 nor exceeding \$20, and shall also pay all charges necessary for the repairing or replacing the said meter, pipes or fittings, and double the value of the surplus gas so consumed; such damages, penalties and charges to be recovered with costs as hereinafter provided. R. S. O. 1877, c. 157, s. 75.

Penalty for wilful damage of meters, lamps, etc.

88. If any person wilfully extinguishes any of the public lamps or lights, or wilfully removes, destroys, damages, fraudulently alters or in any way injures any pipe, pedestal, post, plug, lamp or other apparatus or thing belonging to the company, he shall forfeit and pay to the use of the company a penalty not less than \$4 nor more than \$20, and shall also be liable to make good all damages and charges, to be recovered with costs as hereinafter provided. R. S. O. 1877, c. 157, s. 76.

Penalty for injuring public gaslight works.

89. If any person supplied by the company with gas or water, or both, neglects to pay the rent, rate or charge due to the company at any of the times fixed for the payment thereof, the company, or any person acting under their authority, on giving forty-eight hours' previous notice, may stop the supply of gas or water, or both, from entering the premises of the person in arrear as aforesaid, by cutting off the service pipe or pipes, or by such other means as the company or its officers see fit, and may recover the rent or charge due up to such time, together with the expenses of cutting off the gas or water or both, as the case may be, in any competent Court, notwithstanding any contract to furnish for a longer time. R. S. O. 1877, c. 157, s. 77.

Remedy for price of gas or water furnished.

90. In all cases where the company may lawfully cut off and take away the supply of gas or water or both from any house, building or premises, the company, their agents and workmen, upon giving forty-eight hours' previous notice to the person in charge or the occupier, may enter into the house, building or premises between the hours of nine o'clock in the forenoon and four in the afternoon, making as little disturbance and inconvenience as possible, and may remove and take away any pipe, meter, cock, branch, lamp, fittings or apparatus, the property of and belonging to the company, and any servant of the company duly authorized may, between the hours aforesaid, enter any house into which gas or water or both have been taken, for the purpose of repairing and making good any such house, building or premises, or for the purpose of examining any meter, pipe, or apparatus belonging to the company or

Removal of gas or water fittings.

used for their gas or water or both, and if any person refuses to permit or does not permit the servants and officers of the company to enter and perform the acts aforesaid, the person so refusing or obstructing shall incur a penalty to the company for every such offence of \$40, and a further penalty of \$4 for every day during which such refusal or obstruction continues, to be recovered with costs as herein-after provided. R. S. O. 1877, c. 157, s. 78.

ENFORCEMENT OF PENALTIES.

How fines may be enforced.

91. All fines, penalties and forfeitures imposed by this Act may be sued for and recovered with costs by any such company or by any person whose property is injured, to and for the use of such company or person, either in the manner hereinbefore directed, or before a Justice of the Peace or any other person authorized to act in that capacity, in the place where the offence has been committed, on the oath of any one credible witness. R. S. O. 1877, c. 157, s. 79.

In what Courts actions may be brought.

92. All actions for damages or penalties or both, given by this Act, shall be brought in Courts having jurisdiction to the amount involved in such actions, unless otherwise specially authorized by this Act. R. S. O. 1877, c. 157, s. 80.

Proceedings when damages and penalties separate.

93. Where damages as well as a penalty may be given, such damages and penalty may be sued for separately, and such fines, penalties and damages may be levied by distress from the goods of the defendant, and in case the defendant has no goods to satisfy the same, he shall be committed to the common gaol for such period not exceeding two months as the Justice or Court may direct. R. S. O. 1877, c. 157, s. 81.

ARBITRATIONS.

When arbitrations may be had.

94. If it is found necessary or deemed proper to conduct any of the pipes or to carry any of the works of the company through the lands of any person, lying within ten miles of the municipality for supplying which the company is incorporated, and the consent of such person cannot be obtained for that purpose, the company may nominate and appoint one indifferent person, and the owner or owners of the land taken or damaged may nominate and appoint another indifferent person, which two persons so appointed shall nominate and appoint a third person, and the said three persons shall act as arbitrators in such matter of dispute between the company and the owner or owners of the property. R. S. O. 1877, c. 157, s. 82.

Powers and duties of arbitrators.

95. The arbitrators shall examine all witnesses and administer all necessary oaths or declarations to them, and the arbitrators, or a majority of them, shall award, determine and adjudge what sum or sums of money respectively shall be

paid to the owner or owners of the property so taken or damaged by the company. R. S. O. 1877, c. 157, s. 83.

96. The sum or sums of money so awarded shall be paid within three months after the date of the award, and in default of such payment the proprietor may resume the possession of his property, with all the rights appertaining thereto. R. S. O. 1877, c. 157, s. 84.

When sums awarded to be paid.

97. In the event of either the company or the owner of the property failing to appoint an arbitrator, after eight days' notice from one of the said parties to the other, or of the said two arbitrators failing to appoint a third, the Judge of the County Court of the county within which the property lies may appoint a third arbitrator, and the decision of the three arbitrators, or a majority of them, shall be binding on all parties concerned. R. S. O. 1877, c. 157, s. 85.

How arbitrators appointed in case of neglect.

MUNICIPALITIES ACQUIRING WORKS FROM COMPANIES.

98. In case a by-law is passed with the assent of the rate-payers declaring that it is expedient in the interest of any city, town or village to acquire the works of a company, incorporated on or after the 10th day of March, 1882, for the purpose of supplying such city, town or village with gas or water, the corporation may thereupon, by its officers, take possession of the works of the company and all property used in connection therewith for the purposes of supplying gas or water, whether the works and property, or any of them, are within or without the municipality, and shall pay therefor at a valuation to be determined by arbitration in accordance with the provisions of *The Municipal Act*, subject to the provisions hereinafter contained. 45 V. c. 18, s. 3.

Municipalities may acquire works of company on payment therefor.

Rev. Stat. c. 184.

99. The arbitrators in determining the amount to be paid for such works and property shall first determine the actual value thereof, having regard to what the same would cost if the works should be then constructed, or the property then bought, making due allowance for deterioration, wear and tear, and making all other proper allowances, and shall increase the amount so ascertained by ten per centum thereof, which increased sum the arbitrators shall award as the amount to be paid by the corporation to the company, with interest from the date of their award. 45 V. c. 18, s. 4.

Mode of computing value.

100. The amount shall be paid within six months from the date of the award, and the council of the municipality shall thereupon take all requisite steps for providing the amount; and it shall not be necessary to submit to the vote of the electors, any by-law passed for the issue of debentures in order to raise the amount. 45 V. c. 18, s. 5.

Time within which amount to be paid.

Council may take proceedings to determine value without first obtaining assent of electors.

101. The council of the corporation may, if it thinks fit, without submitting the question to the vote of the electors, take the proceedings authorized by section 98 of this Act for determining the amount to be paid for such works and property, upon notice to the company that the corporation intends to acquire the works and property by arbitration, under the provisions of this Act; but in such case, the by-law for raising money to pay therefor shall be submitted to the vote of the electors, and until the by-law is finally passed, the corporation shall not, unless by consent of the company, take possession of the works or property; and in the event of the by-law not being passed the corporation shall indemnify the company for all costs the company has been put to in and about the arbitration. 45 V. c. 18, s. 6.

Amount may be settled by agreement.

102. The council and the company may, if they think fit agree as to the amount to be paid for the works and property, or any of them. 45 V. c. 18, s. 7.

If amount not paid, rights of company to revive.

103. In case the amount awarded, or agreed to be paid, to the company, is not paid within six months after the time at which it is payable, the company may resume possession of their works and property, and all their rights in respect thereof shall thereupon revive. 45 V. c. 18, s. 8.

Existing companies may consent to be bound by above provisions.

104. Any company incorporated before the 10th day of March, 1882, may, by by-law, declare that such company consents to be bound by the provisions of the six preceding sections of this Act; and upon the passing of such by-law the said sections shall apply to the said company. 45 V. c. 18, s. 9.

Limitation as to resolutions under sec. 98.

105. No resolution under section 98 of this Act shall be passed by any municipal council, or, if passed, shall have any force or effect unless the company is subject to the provisions of the said section 98, or an agreement has been made between the company and the corporation, under which the municipal corporation has the right at any time, or at any time after a date thereby fixed, not being later than ten years from the date of the agreement, to acquire the works and property of the company used, in connection therewith, for the said purposes, at a valuation to be determined by arbitration. 45 V. c. 18, s. 10.

Certain rights not affected.

106. Nothing in sections 58 and 98 to 105 of this Act contained shall affect the right of any municipal corporation to acquire the works and property of any gas or water company, by agreement with the said company, or shall be construed to affect any right of acquisition which has been or may be secured by any such corporation independently of the provisions of the said sections. 45 V. c. 18, s. 11.

MISCELLANEOUS.

107. In all proceedings which may have been had or taken under the Act passed in the sixteenth year of Her Majesty's reign, to provide for the formation of incorporated joint stock companies for supplying cities, towns and villages with gas and water, or in or about any company incorporated thereunder, the word "trustees," wherever the same occurs, shall be taken to be and be construed to mean the directors. R. S. O. 1877, c. 157, s. 86.

"Trustees" in 16 V. c. 173 to mean directors.

CHAPTER 165.

An Act respecting Companies for Steam and Heating, or for supplying Electricity for Light, Heat or Power.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Any five or more persons who desire to form a company for supplying steam, hot air or hot water for power and for heating purposes, or for supplying electricity for the purposes of light, heat, or power, in any city, town, incorporated village, township or other municipality, may become incorporated under *The Act respecting the incorporation of Joint Stock Companies by Letters Patent*, and all the powers and provisions contained in the said Act shall, so far as applicable and consistent with the provisions and powers herein contained, apply to any such company. 42 V. c. 24, s. 1; 45 V. c. 19, s. 1.

Mode of incorporation.

Rev. Stat. c. 157.

2. Every company incorporated under this Act, may construct, maintain, complete and operate works for the production of steam, hot air or hot water, for purposes of power and heating, or for the production, sale and distribution, of electricity, for purposes of light, heat and power, and may conduct the same by any means, through, under and along the streets, highways and public places of such cities, towns and other municipalities; but as to such streets, highways and public places, only upon and subject to such agreement in respect thereof, as shall be made between the company and the said municipalities respectively, and under and subject to any by-law or by-laws of the councils of the said municipalities passed in pursuance thereof. 42 V. c. 24, s. 2; 45 V. c. 19, s. 2.

Powers.

Certain sections of Rev. Stat. c. 164, made applicable.

3. Sections 51 to 53, 60, 62 to 67, 71, 73 and 75 to 97 of *The Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, shall be read as forming part of this Act, except that the said sections shall, for the purposes of this Act, be read as providing for the passage and supply of steam, hot air or hot water, for the purpose of heating and power, or of electricity for the purposes of light, heat and power, instead of the passage and supply of water or gas, the words "steam," "hot air," or "hot water," or the word "electricity" (as the case may be), being, for the purposes aforesaid, substituted for the words "gas or water," or "gas and water," or "gas," and the words "wires or conductors," being read after the words "mains and pipes," or "mains or pipes," wherever the said words occur in the said sections. 42 V. c. 24, s. 3; 45 V. c. 19, s. 3.

Company not to take private property till compensation made.

4. No company shall be entitled by virtue of this Act to take possession or make use of private property, or to do any work thereon, under the compulsory powers of the company in that behalf, until the amount to be paid for or in respect of such property is ascertained by arbitration or otherwise, as the case may be, and is paid or tendered to the parties entitled thereto, or is paid into Court for their benefit; provided further that the property of gas companies shall be exempt from expropriation by companies formed for supplying electricity for the purposes of light, heat or power. 42 V. c. 24, s. 4; 45 V. c. 19, s. 4.

CHAPTER 166.

An Act respecting Co-operative Associations.

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|---|---|
| INCORPORATION, ss. 1, 2. | BUSINESS TO BE A CASH BUSINESS, s. 13. |
| PLACES WHERE BUSINESS MAY BE CARRIED ON, s. 3. | Land may be bought on credit, s. 14. |
| LIMIT OF SHARES, s. 4. | PENALTY FOR MISAPPLICATION OF FUNDS, s. 15. |
| RULES, ss. 5, 6. | DISPUTES BETWEEN MEMBERS TO BE SETTLED BY ARBITRATION, s. 16. |
| CAPITAL, s. 7. | ANNUAL RETURN, s. 17. |
| PAYMENT OF SHARES, s. 8. | WINDING UP OF ASSOCIATION, s. 18. |
| ELECTIONS OF TRUSTEES, ss. 9, 10. | LIABILITY OF SHAREHOLDERS, s. 19. |
| OFFICERS TO GIVE SECURITY, s. 11. | |
| ASSOCIATION TO GIVE PUBLICITY TO ITS NAME, s. 12. | |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1.—(1) At any time hereafter, any seven or more persons who desire to associate themselves together for the purpose of carrying on any labour, trade or business, or several labours, trades or businesses, whether wholesale or retail, except the working of mines, minerals or quarries, and except also the business of banking and insurance, may make, sign and acknowledge before a Notary Public or Justice of the Peace, in duplicate, and file in the office of the registrar of the registry division in which the business of the association is intended to be carried on, a certificate in writing in the form mentioned in the Schedule to this Act, or to the same effect, together with a copy of the rules agreed upon for the regulation, government and management of the association, signed by such persons respectively.

(2) The signatures to the rules shall be verified by the affidavit of a subscribing witness thereto, made before any Notary Public, Justice of the Peace, or Commissioner authorized to take affidavits in the High Court, or before the registrar or deputy registrar.

(3) Upon the filing of the certificate and rules as aforesaid, the members of the association shall become a body corporate by the name therein described, with power to hold such lands as are required for the convenient management of their business.

Registrar to
endorse certi-
ficate of filing
if required.

(4) The registrar or deputy registrar shall, if desired by the person filing the certificate, endorse upon the other duplicate certificate, and upon a duplicate of the rules, certificates of the other duplicates having been filed in his office, with the date of filing, and every such certificate shall be *prima facie* evidence of the facts stated therein and of the incorporation of the association.

Alteration of
rules.

(5) Subject to the requirements of section 5 and the provisions of this Act, all rules made by the association may be repealed, altered or amended by other rules passed at any meeting of the association specially called for that purpose; provided that no new rule shall have any force or effect until a copy thereof, proved by the affidavit of the president or other head officer of the association to be a true copy of the rule or rules passed by the association at a meeting specially called for the purpose of considering the same, has been filed in the registry office in which the certificate of incorporation was filed. 47 V. c. 27, s. 1.

Identical
names not
allowed to
different as-
sociations.

2. No association shall be registered under a name identical with that by which any other existing association has been registered, or so nearly resembling such name as to be likely to deceive the members or the public, and the word "Limited" shall be the last word in the name of any association registered under this Act. R. S. O. 1877, c. 158, s. 2.

Places where
business may
be carried on.

3. Any certificate so to be filed may designate any one or more places where the business is to be carried on, but if in different registry divisions, a duplicate must be filed in the registrar's office of each division. R. S. O. 1877, c. 158, s. 4.

Limit of each
member's
shares.

4. A member of an association incorporated under this Act may have shares therein to an amount mentioned in any by-law of the association, provided the same does not exceed \$1,000. 43 V. c. 22, s. 1.

Rules to be
framed.

5. Before an association commence operations under this Act, they shall agree upon and frame a set of rules for the regulation, government and management of the association; and the rules of every association to be formed under this Act shall contain provisions in respect of the several matters following:

(a) Mode of convening general and special meetings, and of altering rules;

(b) Provisions for the audit of accounts;

(c) Power and mode of withdrawal of members, and provisions for the claims of executors or administrators of members;

(d) Mode of application of profits;

(e) Appointment of managers and other officers, and their respective powers and remuneration, and provisions for filling vacancies occasioned by death, resignation, and other causes. R. S. O. 1877, c. 158, s. 5.

6. The rules of every association registered under this Act shall bind the association and the members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in such rules contained a covenant, on the part of himself, his heirs, executors and administrators, to conform to such rules, subject to the provisions of this Act; and all moneys payable by any member to the association, in pursuance of such rules, shall be deemed to be a debt due from such member to the association. R. S. O. 1877, c. 158, s. 8.

Rules to be binding on Association and the members thereof.

7. The capital of the association shall be in shares of such denomination as may be mentioned in the rules. R. S. O. 1877, c. 158, s. 9.

Capital.

8. The shares may be payable by instalments not exceeding twenty per cent. at such times and in such manner as may be mentioned in the rules; but no member shall be entitled to draw more than his proportion of interest on the paid up portion of his shares; and shares shall not be transferable, unless the rules provide for their transfer. Members may, from time to time, withdraw upon such terms as may be specified in the rules. R. S. O. 1877, c. 158, s. 10; 49 V. c. 16, s. 33.

Payment and interest on shares.

9. All elections shall be by ballot, and each member shall be entitled to one vote only. R. S. O. 1877, c. 158, s. 11.

Elections.

10. In case it happens at any time that an election of trustees is not made on the day designated in the rules of the association, when it ought to have been made, the association shall not for that reason be dissolved, but an election may be held on any other day in such manner as may be provided for in the rules, or at a general meeting of the members, to be specially called for that purpose, due notice being given of such election as in the rules provided, and all acts of trustees, until their successors are appointed, shall be valid and binding. R. S. O. 1877, c. 158, s. 12.

Provision in case of failure of any election.

11. Every person appointed to an office touching the receipt, management or expenditure of money, or with the receipt of goods, wares or merchandise for the purposes of the association, shall, before entering upon the duties of his office, give such security as is deemed sufficient by the trustees, which security shall be varied in amount or renewed from time to time, as by the amount of business done, or by other circumstances

Officers to give security.

may, from time to time, in the discretion of the trustees be rendered necessary. R. S. O. 1877, c. 158, s. 13.

Every association to give publicity to its name.

12. Every association registered under this Act shall have painted or affixed, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the association is carried on, in a conspicuous position, in letters easily legible, and shall have its name engraved in legible characters on its seal, and shall have its name mentioned in legible characters in all notices, advertisements and other official publications of the association, and in all cheques and orders for money or goods, purporting to be signed by or on behalf of the association, and in all bills of parcels, invoices, receipts and letters of credit of the association. R. S. O. 1877, c. 158, s. 14.

Business to be for cash only.

13. The business of the association shall be a cash business exclusively; no credit shall be either given or taken, and no officer, member or servant of the association, or any number of them together, shall have power to contract any debt whatever in its name, except in respect of rent of the premises required for the business, the salary of clerks and servants, and such like contracts, necessary in the management of the affairs of the association; everything shall be bought and sold for cash only. R. S. O. 1877, c. 158, s. 15.

Power to purchase and on credit.

14. Notwithstanding the provisions of the preceding section, the association may purchase on credit real estate for the purpose of occupation by the association in carrying on the business thereof, and may give a valid mortgage on any estate so purchased for an unpaid balance of the purchase money, subject to any by-law in that behalf. 43 V. c. 22, s. 2.

Officers or persons obtaining possession of money, &c., or misapplying the same.

15. If an officer, member or other person, being or representing himself to be a member of the association, or the heirs, executors, or administrators of a member thereof, or any person whatsoever, by false representation or imposition, obtains possession of any moneys, securities, books, papers or other effects of the association, or having the same in his possession, withholds or misapplies the same, or wilfully applies any part of the same to purposes other than those expressed or directed in the rules of the association, or any part thereof, any Justice of the Peace, acting in the county or city in which the place of business of the association is situated, upon complaint made by any person on behalf of the association, may summon the person against whom such complaint is made to appear at a time and place to be named in the summons, and any two justices present at the time and place mentioned in the summons shall proceed to hear and determine the said complaint, and if the justices determine the complaint to be proved against such person, they shall adjudge and order him to deliver up all such money, securities, books, papers, or

Penalty.

other effects to the association, or to repay the amount of money applied improperly, and to pay, if they think fit, a further sum of money not exceeding \$80, together with costs not exceeding \$4; and in default of such delivery of effects, or payment of such amount of money, or payment of such penalty and costs aforesaid, the justices may order the person so convicted to be imprisoned in the common gaol with or without hard labour for any term not exceeding three months. R. S. O. 1877, c. 158, s. 16.

16. Every dispute between any member or members of an association established under this Act, or any person claiming through or under a member, or under the rules of the association, and the trustees, treasurer or other officer thereof, shall be decided by arbitration in manner directed by the rules of the association, and the decision so made shall be binding and conclusive on all parties without appeal. R. S. O. 1877, c. 158, s. 17.

Disputes to be settled by arbitration.

17. The trustees shall, once in every year, transmit to the Provincial Secretary a general statement of the funds and effects of the association, the number of shareholders therein, and such other information as may be requisite to shew clearly the position of the association, and the business done during the year, which return shall be verified by the affidavit or declaration of the president and manager. R. S. O. 1877, c. 158, s. 18.

Annual return to Provincial Secretary.

18. In case of the dissolution of such association, the association shall nevertheless be considered as subsisting, and be in all respects subject to the provisions of this Act, so long and so far as any matters relating to the same remain unsettled, to the intent that the association may do all things necessary to the winding up of the concerns thereof; and may sue and be sued under the provisions of this Act, in respect of all such unsettled matters. R. S. O. 1877, c. 158, s. 19.

Winding up of affairs in case of dissolution.

19. The liability of the shareholders shall be limited, that is to say: no shareholder in such association shall be in any manner liable for or charged with the payment of any debt or demand due by the association, beyond the amount of his share or shares subscribed for, and any shareholder having fully paid up the amount of his said share or shares shall be absolved from all further liability. R. S. O. 1877, c. 158, s. 20.

Liability of shareholders limited.

SCHEDULE.

(Section 1.)

FORM OF CERTIFICATE.

PROVINCE OF ONTARIO, } We (*insert names of subscribers not less than seven*) do hereby certify that we desire to form a
 To Wit: } Company or Association pursuant to the provisions of Chapter 166 of The Revised Statutes of Ontario, entitled *An Act respecting Co-operative Associations*.

The corporate name of the Association is to be (*insert name of the Association*), Limited; and the objects for which the Association is to be formed are (*insert objects for which Association is formed*). The number of shares is to be unlimited, and the capital is to consist of shares of (*insert amount of share*) each, or of such other amount as shall from time to time be determined by the Rules of the Association. The number of the Trustees who shall manage the concerns of the Association shall be (*insert the number of Trustees*), and the names of such Trustees for the first year are (*insert names of such Trustees*), and the name of the place (or places) where the operations of the said Association are to be carried on is, or are (*insert name of place or places where the operations of the said Association are to be carried on*).

Dated the

day of

(Signatures.)

On the day of , A.D. 18 , before me personally appeared (*insert names of subscribers to the certificate*), to me known to be the individuals described in the foregoing certificate, and they severally before me signed the said certificate and acknowledged that they signed the same for the purposes therein mentioned.

[A. B.]

Notary Public.

R. S. O., 1877, c. 158, Schedule.

2. *INSURANCE COMPANIES.*

CHAPTER 167.—ONTARIO INSURANCE ACT, p. 1563.

CHAPTER 167.

An Act respecting Insurance Companies.

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| SHORT TITLE, s. 1. | Treasurer to give security, s. 97. |
| INTERPRETATION, s. 2. | Remuneration of directors, s. 98. |
| APPLICATION OF ACT, s. 3. | BOOKS, ACCOUNTS AND RETURNS, ss. 99-105. |
| INCORPORATION : | CONTRACTS OF FIRE INSURANCE— |
| Joint Stock Companies, ss. 4-7, 38. | GENERAL PROVISIONS, ss. 106-113 : |
| Mutual and Cash Mutual Fire Insurance Companies, ss. 8-19. | Term of contracts, s. 106. |
| CHANGE OF NAME OR HEAD OFFICE, ss. 20-23. | Renewing policies, s. 107. |
| MUTUAL AND CASH MUTUAL COMPANIES : | Property which may be insured, s. 108. |
| Branches and Departments, ss. 24-26. | Minimum rates, s. 109. |
| Guarantee Capital, ss. 27-29. | Policies binding on company, s. 110. |
| Share or Stock Capital, ss. 30-39. | Notification of additional insurance, s. 111. |
| GOVERNMENT DEPOSITS, ss. 40-52. | Optional with directors to pay certain void claims, s. 112. |
| LICENSE, ss. 53-63. | Cancellation of policies, s. 113. |
| FEES PAYABLE TO PROVINCIAL TREASURER, s. 63. | STATUTORY CONDITIONS, s. 114 : |
| INTERNAL MANAGEMENT OF MUTUAL AND CASH MUTUAL COMPANIES, ss. 64-87 : | Variations in conditions, ss. 115-117. |
| Admission and withdrawal of Members, ss. 65-68. | Proof of loss, s. 118. |
| General Meetings, ss. 69-73. | APPEALS, s. 119. |
| Directors, qualification, election, etc., ss. 74-87. | INVESTIGATION OF LOSSES, s. 120. |
| POWERS OF DIRECTORS, GENERAL PROVISIONS, 88-98 : | PREMIUM NOTES AND ASSESSMENTS, ss. 121-134. |
| Appointment of Officers, s. 89. | LIMITATION OF POWER OF CASH MUTUAL COMPANIES TO INSURE FOR CASH PREMIUMS, s. 135. |
| Tariff of rates, s. 89. | EXECUTION AGAINST MUTUAL OR CASH MUTUAL COMPANY, 136. |
| Meetings of board, s. 89. | PAYMENT OF LIFE INSURANCE POLICY WHERE BENEFICIARY RESIDENT OUT OF THE PROVINCE, s. 137. |
| By-laws, s. 90. | INSPECTION OF COMPANIES, ss. 138-150. |
| Management of property, s. 91. | LIQUIDATION AND WINDING UP OF COMPANIES, ss. 151-154. |
| Re-insurance, s. 92. | ACTS REPEALED, s. 155. |
| Investment of capital, s. 93. | |
| Recovery of assessments, s. 93. | |
| Issue of Debentures, s. 94. | |
| Lands, power to hold, s. 95. | |
| Loans to or from directors, etc., prohibited, s. 96. | |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title. 1. This Act may be cited as "*The Ontario Insurance Act.*"
50 V. c. 26, s. 1.

Interpre- 2. Where the words following occur in this Act they shall
tation. be construed in the manner hereinafter mentioned, unless a
contrary intention appears:

"Province." 1. "Province" and "Legislature" mean respectively the
"Legislature." Province and the Legislature of Ontario.

"Treasurer." 2. "Treasurer" means the Treasurer of the Province; or
any member of the Executive Council to whom from time to
time may be transferred, either for a limited period, or other-
wise, the powers and duties which are by this Act assigned to
the Treasurer.

"Inspector." 3. "Inspector" means the Inspector of Insurance for the
Province.

"Company." 4. "Company" means and includes any corporation, or any
society or association, incorporated or unincorporated, or any
partnership, or any underwriter, except as provided by section
3, that undertakes or effects for valuable consideration, or
agrees or offers so to undertake or effect, in the Province, any
contract of indemnity, guarantee, suretyship, insurance,
endowment, tontine, or annuity on life, or any like contract
which accrues payable on or after the occurrence of some
contingent event.

"Offer to un- 5. The expression "offer to undertake contracts" shall include
dertake con- the setting up of a sign or inscription containing the name of
tracts." the company; or the distribution or publication of any proposal,
circular, card, advertisement, printed form, or like document
in the name of the company, or any written or oral solicitation
in the company's behalf.

"Contract." 6. "Contract" means and includes any contract or agree-
ment, sealed, written or oral, the subject matter of which is
within the intent of sub-section 4.

"Written." 7. "Written," as applied to any instrument, includes written
or printed, or partly written and partly printed.

"Provincial 8. "Provincial Company" means a company which has its
Company." head office in Ontario.

"Canadian 9. "Canadian Company" means a company incorporated or
Company." legally constituted in the Dominion of Canada, but which has
its head office in some Province of Canada other than Ontario.

"Municipi- 10. "Municipality" has the same meaning as in *The Muni-*
pality." *cipal Act*.
Rev. Stat.
c. 184.

"Mutual 11. "Mutual Insurance" means insurance given in considera-
Insurance." tion of a premium note or undertaking with or without an
immediate cash payment thereon; and "Mutual Company"
"Mutual means a company empowered solely to transact such insurance.
Company."

12. "Cash-Mutual Company" means a company organized to transact mutual insurance, but empowered to undertake contracts of insurance on both the cash plan and the premium note or mutual plan. "Cash Mutual Company."

13. "Inland-Marine Insurance" means marine insurance in respect of subjects of insurance at risk above the harbour of Montreal. "Inland Marine Insurance."

14. "Member" means a policy-holder on the premium note plan; but as to those mutual, or cash-mutual companies, which, in terms of this Act have guarantee or joint stock capital, "Member" includes, where the context so requires, any holder of one or more shares of the capital. "Member."

15. "Registry Office" means the registry office of the registry division within which the head office of the company is situate; and "registrar" includes the registrar and deputy registrar of such registry office. 50 V. c. 26, s. 2. "Registry Office." "Registrar."

APPLICATION OF ACT.

3. The provisions of this Act shall not apply:—

1. To a company licensed by the Dominion of Canada, except as to sections 114 to 120 inclusive, which shall apply to all fire insurance companies transacting business in Ontario. Dominion licensees exempted, except as to sections 114-120.

2. This Act shall not apply to any benevolent, provident, industrial, or co-operative society not requiring a license for any such contract as aforesaid before the passing of this Act. 50 V. c. 26, s. 3. Also certain societies.

INCORPORATION OF JOINT STOCK COMPANIES BY LETTERS PATENT.

4.—(1) The Lieutenant-Governor in Council may, on the written recommendation of the Inspector, approved by the Treasurer, or some other member of the Executive Council, grant by letters patent, under the Great Seal, a charter to any number of persons not less than five, who shall petition therefor, constituting such persons and others who may become shareholders in the company thereby created a body corporate and politic for any purpose or object within the intent of this Act; but such incorporated company, before undertaking, effecting, or offering to undertake or effect, or soliciting any contract within this Act, shall file in the office of the Inspector satisfactory evidence that this Act has been complied with in respect of stock subscribed and of calls thereon paid, and further shall make the necessary deposit and be licensed as hereinafter provided. Formation of companies.
Rev. Stat.
c. 157.

Rev. Stat.
cc. 156, 157.

(2) To every company so incorporated *The Ontario Joint Stock Companies' General Clauses Act* and *The Ontario Joint Stock Companies' Letters Patent Act*, shall apply in all unprovided cases so far as not repugnant to the express provisions of this Act.

(3) To every joint stock company heretofore incorporated and acting under license of the Province the Acts cited in the last sub-section shall also apply, except where repugnant to the express provisions of this Act, or to the special Act of the Province incorporating the company, or to any Act of the Province amending the special Act of incorporation. 50 V. c. 26, s. 4.

Directors.

5.—(1) The affairs of every company incorporated under section 4 shall be managed by a board of not less than five nor more than nine directors.

(2) The first five of the persons named in the charter of incorporation shall be directors of the company until replaced by others duly named in their stead.

(3) The after directors of the company shall be elected by the shareholders in general meeting of the company assembled, at such times, in such wise, and for such term, not exceeding two years, as the by-laws of the company may prescribe. 50 V. c. 26, s. 5.

Capital stock.

6. The capital stock of a company incorporated under section 4 shall be as follows:—

1. If a fire, or fire and inland marine, or accident, or life, or life and accident, or guarantee, or surety company, the capital stock shall be not less than \$500,000, with liberty to increase the same to \$1,000,000 with the assent of the Lieutenant-Governor in Council; and before applying for license the company shall furnish to the Inspector satisfactory evidence that of the said capital stock at least \$300,000 has been subscribed for and taken up *bona fide*, and that \$30,000 of the said subscribed stock has been paid into some chartered bank.

2. If a live stock insurance company, the capital stock shall be at the least \$300,000, with liberty to increase the same as in sub-section 1, to \$500,000, of which, as in said sub-section, \$150,000 shall be shewn to have been subscribed, and \$15,000 to have been paid into some chartered bank.

3. If a plate glass insurance company, or a company insuring against the explosion of steam boilers, the capital stock shall be at the least \$100,000, with liberty to increase the same as in sub-section 1, to \$250,000, of which as in said sub-section \$60,000 shall be shewn to have been subscribed, and \$6,000 to have been paid into some chartered bank. 50 V. c. 26, s. 6.

7. The corporate powers of any company, whether incorporated under this Act or under any special Act, shall be forfeited by non-user during three years after the date of its incorporation; or if, after a company has undertaken contracts within the intent of this Act, such company discontinues business for one year; or if its license remains suspended for one year; or if its license is cancelled otherwise than by mere effluxion of time and is not renewed within the period limited in section 46; and thereupon the company's corporate powers shall *ipso facto* cease and determine, except for the sole purpose of winding up its affairs; and the High Court, upon the petition of the Attorney-General, or of any person interested, may by decree limit the time within which the company shall settle and close its accounts, and may for this specific purpose, or for the purpose of liquidation generally, appoint a receiver. 50 V. c. 26, s. 7.

Forfeiture of corporate powers.

FORMATION AND INCORPORATION OF MUTUAL AND CASH-MUTUAL FIRE INSURANCE COMPANIES.

8. Ten freeholders in any municipality or association of municipalities may call a meeting of the freeholders thereof to consult whether it be expedient to establish therein a fire insurance company upon the mutual or cash-mutual principle. 50 V. c. 26, s. 8.

Meetings to establish companies, how called.

9. The meeting shall be called by advertisement, mentioning the time and place and object of the meeting; and the advertisement shall be published once in the *Ontario Gazette* and for three weeks in one or more of the newspapers published in the county. 50 V. c. 26, s. 9.

Advertisement of meeting.

10. If thirty freeholders of the municipality are present at the meeting, and a majority of them determine that it is expedient to establish a mutual or cash-mutual fire insurance company, they may elect three persons from among them to open and keep a subscription book, in which owners of property, movable or immovable, within the Province of Ontario, may sign their names, and enter the sums for which they shall respectively bind themselves to effect insurances with the company. 50 V. c. 26, s. 10.

Subscription books.

11. Where fifty or more persons, being owners of movable or immovable property in the Province of Ontario, have signed their names in the subscription book, and bound themselves to effect insurances in the company, which in the aggregate shall amount to \$100,000 at least, a meeting shall be called, as hereinafter provided. 50 V. c. 26, s. 11.

When meeting may be called.

How meeting
to be called.

12.—(1) As soon as convenient after the subscription book has been completed in manner aforesaid, any ten of the subscribers thereto may call the first meeting of the company, at such time and place within the municipality as they may determine; such meeting shall be called by sending a printed notice by mail, addressed to every subscriber at his post office address, at least ten days before the day of the meeting, and by advertisement in one or more papers published in the county in which the municipality is situated.

(2) The said notice and advertisement shall contain the object of the meeting, and the time and place at which it is to be held. 50 V. c. 26, s. 12.

Election of
directors.

13.—(1) At such meeting the name and style of the company, including the appellations "Fire" and "Mutual," shall be adopted, and a secretary *ad interim* appointed, and a board of directors elected as hereinafter provided, and the place named at which the head office of the company shall be located.

(2) To constitute a valid meeting for the purposes of the preceding sub-section, at least twenty-five of the aforesaid subscribers must be present.

(3) In case of a county or township the head office may be in any city, town, or village within the boundaries of the county or township or adjacent thereto. 50 V. c. 26, s. 13.

Documents to
be filed in
registry office.

14. Copies of the resolutions adopting the name or style and the place of the head office of the company, and of the subscription book, and the names of the directors elected shall thereupon be made; and all such documents certified as correct under the hands of the chairman and secretary, shall be filed in the registry office. 50 V. c. 26, s. 14.

Thereon the
corporation
formed.

15.—(1) Upon the filing of said documents, with the certificate, the subscribers above mentioned, and all other persons thereafter effecting insurances in the company, shall become members of the company and shall be a body corporate by and under the name so adopted.

Forfeiture of
corporate
powers.

(2) But the corporate powers of the company shall be forfeited by non-user, or by discontinuance of business, or by suspension or cancellation of license as is provided in section 7, which section shall in all respects apply as well to mutual and cash-mutual companies as to joint stock companies. 50 V. c. 26, s. 15.

Meeting of
directors to
elect president
and officers.

16. As soon after the aforesaid meeting as convenient, the secretary *ad interim* shall call a meeting of the board of directors, for the election of a president and vice-president from amongst themselves, for the appointment of a secretary, treasurer, or manager, and the transaction of such other business as may be brought before them. 50 V. c. 26, s. 16.

17. After the company has filed in the registry office, the documents mentioned in section 14, and before the company shall transact or be entitled to transact any insurance business, the chairman and secretary shall transmit or deliver like copies duly certified by them to be true copies, and endorsed by the registrar as having been duly filed, to the Inspector at his office in Toronto, accompanied by a statement signed by the chairman and secretary, stating the kind and character of the risks intended to be taken by the company, that is to say, whether the business to be transacted is the insurance of farm and isolated buildings and property, or of mercantile, manufacturing and other hazardous and extra hazardous properties, or of both; also whether the company has been organized and incorporated as a mutual or a cash-mutual company. 50 V. c. 26, s. 17.

Copies of resolutions, subscription books, and statements of proposed business to be transmitted to Inspector.

18. Upon receipt of such certified copies and of the aforesaid statement by the Inspector, he shall proceed to ascertain whether the proceedings for the incorporation of the company have been taken in accordance with the law in that behalf, and whether the subscriptions are *bona fide*, and by persons possessing property to insure, and whether the proposed name is the same as that of any existing company, or may be easily confounded therewith, and he may require the declaration of any person or persons upon oath to be filed with him, touching any matters concerning which he is called upon to make inquiry. 50 V. c. 26, s. 18.

Inquiries to be made by Inspector after receiving statement.

19. If, upon examination, the Inspector shall find that the said subscriptions have been made in good faith by persons entitled to make the same, and that the proposed name is satisfactory, and that the company has complied with this Act in respect of deposit, and in all other respects, the Treasurer may thereupon issue a license under his hand and seal setting forth that it has been made to appear to him that the company has complied with the requirements of the law; and that the company is accordingly licensed to transact the kind of business specified in the license, for a term therein also specified but not exceeding twelve months from the date of issue; but such license may from time to time be renewed as hereinafter provided. 50 V. c. 25, s. 19.

On report of Inspector Treasurer may issue license.

CHANGE OF NAME OR OF HEAD OFFICE.

20. Where a company is desirous of adopting a name differing from that by which it was incorporated; or where in the opinion of the Lieutenant-Governor in Council the name by which such company within the legislative authority of this Province was incorporated, may be easily confounded with that of any other existing company, the Lieutenant-Governor in Council, upon being satisfied that a change of name will not work or effect any improper purpose, may by Order in Council

Change of name.

change the name of the company to some other name to be set forth in the Order in Council; but no such change of name shall affect the rights or obligations of the company; and all proceedings which might have been continued or commenced by or against the company by its former name may be continued and commenced by or against the company by its new name. 50 V. c. 26, s. 20.

Change of
head office.

21.—(1) The head office of any company may be removed from one municipality to another by authority of the Lieutenant-Governor in Council.

(2) In other cases the present location of head offices of companies in existence, and the original location of head offices of companies hereafter to be formed, shall only be changed by a two-thirds vote of the members or shareholders of the company at a special meeting called for that purpose.

(3) Where a company is entitled to remove its head office from one place to another, without the consent of the Lieutenant-Governor in Council, notice of such change and of any resolution or by-law authorizing the same, shall be forthwith given by the secretary of the company to the Inspector of Insurance. 50 V. c. 26, s. 21.

Notice of ap-
plication.

22. The Lieutenant-Governor in Council may require the same notice to be given upon any application for such change of name or of head office as is required on an application for letters patent by *The Ontario Joint Stock Companies Letters Patent Act*. 50 V. c. 26, s. 22.

Rev. Stat. c.
157.

Notice of
change.

23. Notice of any change of name or of head office shall be forthwith inserted by the company in the *Ontario Gazette*. 50 V. c. 26, s. 23.

BRANCHES AND DEPARTMENTS IN MUTUAL AND CASH- MUTUAL FIRE INSURANCE COMPANIES.

Establishment
of branches.

24. Any mutual or cash-mutual company may, with the previous assent of the Lieutenant-Governor in Council, separate its business into branches or departments, with reference to the nature or classification of the risks, or of the localities in which insurances may be effected. 50 V. c. 26, s. 24.

Scale of risks
to be made for
each branch.

25. The directors of every company so separating its business shall make a scale of risks and tariff of rates for each branch, and direct that the accounts of each shall be kept separate and distinct the one from the other. 50 V. c. 26, s. 25.

Expenses to be
divided
between
branches pro-
portionately.

26. All necessary expenses incurred in the conducting and management of such companies shall be assessed upon and divided between the several branches in such proportion as the directors determine. 50 V. c. 26, s. 26.

GUARANTEE CAPITAL IN MUTUAL OR CASH-MUTUAL FIRE
INSURANCE COMPANIES.

27. Any mutual or cash mutual fire insurance company, incorporated under this Act or any former Act, may raise by subscription of its members, or some of them, or by the admission of new members not being persons insured in the company, or by loan or otherwise, a guarantee capital of any sum not less than \$20,000, nor exceeding \$200,000, which guarantee capital shall belong to the company and be liable for all the losses, debts and expenses of the company; and subscribers of such capital shall, in respect thereof, have such rights as the directors of the company declare and fix by a by-law to be passed before the capital is subscribed, and unless the capital is paid off or discharged, the by-law shall not be repealed or altered without the prior assent of the Lieutenant-Governor in Council nor without the consent of the majority of votes of the shareholders or subscribers of such capital who represent a majority of the shares subscribed, either personally or by proxy, at a meeting held for that purpose of the holders of such capital, each shareholder or subscriber being entitled to a vote for every share of \$50 held by him. 50 V. c. 26, s. 27.

28.—(1) The capital shall be subscribed by not less than ten persons, and no one person shall subscribe, or hold, or receive dividends, interest or commissions, upon more than twenty per centum of the guaranteed capital of the stock; the original list of the subscribers to the guarantee capital shall be transferred to and be deposited with the Treasurer of this Province, and shall be held as security for the payment of all losses and other policy liabilities of such companies.

(2) The company may from time to time, in accordance with the provisions of any by-law in that behalf, approved by the Lieutenant-Governor in Council, require any portion of the subscribed guarantee capital to be paid over to the company for the purpose of settling any losses of the company. Any sums so advanced shall be repaid by the company within one year thereafter from the proceeds of assessments upon the premium notes liable to assessment for the purpose, and assessments may be made from time to time by the company for the purpose of repaying the advances. 50 V. c. 26, s. 28.

29. In substitution for the subscription list of guarantee capital deposited as security with the Treasurer, the company may, with the Treasurer's consent, deposit cash or unconditional securities for cash of the kind and to the amount prescribed in section 40 of this Act; and the Treasurer shall thereupon release and discharge the said subscription list. 50 V. c. 26, s. 29.

SHARE OR STOCK CAPITAL IN MUTUAL OR CASH-MUTUAL FIRE
INSURANCE COMPANIES.

Power to raise
share capital.

30. Any mutual or cash-mutual fire insurance company incorporated under this or any former Act, may with the prior assent of the Lieutenant-Governor in Council raise a share or stock capital of not less than \$100,000, and may with the like assent increase the same from time to time to a sum not exceeding \$500,000; provided that the same public notice as that prescribed by section 9 has been given by the company of its intention to raise, or to increase such capital. 50 V. c. 26, s. 30.

Subscribers to
become mem-
bers of com-
pany.

31. Every subscriber shall, on allotment of one or more shares to him, become a member of the company; with all incidental rights, privileges and liabilities. 50 V. c. 26, s. 31.

Transfer of
shares.

32. The shares shall be personal estate, and shall be transferable, but no transfer shall be valid unless made on the books of the company; and, until fully paid up, no share shall be transferable without the consent of the board of directors, nor shall any transfer be valid while any call previously made remains unpaid; and the company shall have a lien on the shares of any shareholder for unpaid calls or other debts due by him to the company, and for any obligation held by the company against him; and after any call, debt or obligation becomes due, the company may, upon one month's notice to the shareholder, his executors, or administrators, sell his shares or a sufficient portion thereof to pay the call, debt or obligation, and transfer the shares so sold to the purchaser. 50 V. c. 26, s. 32.

Forfeiture of
shares.

33. The company may, also, after default made in the payment of any call upon any share for one month, and after notice having been first given as in the next preceding section mentioned, declare the share and all sums previously paid thereon, forfeited to the company, and the company may sell or re-issue forfeited shares on such terms as they think fit for the benefit of the company. 50 V. c. 26, s. 33.

When com-
pany may
make insur-
ances for
premiums
payable
wholly in
cash.

34. After the sum of \$100,000 of the stock or share capital has been *bona fide* subscribed, and twenty per centum paid thereon into the funds of the company, the company may make insurances for premiums payable wholly in cash; but no insurance on the wholly cash principle shall make the insured a member of the company, or make him liable to contribute or pay any sum to the company, or to its funds, or to any other member thereof, beyond the cash premium agreed upon, or give him any right to a participation in the profits or surplus funds of the company, but the company shall not transact any business wholly on the cash principle without first procuring a license from the Treasurer, pursuant to this Act. 50 V. c. 26, s. 34.

35. The net annual profits and gains of the company not including therein any premium notes or undertakings shall be applied, in the first place, to pay a dividend on the share capital, not exceeding the rate of ten per centum per annum, and the surplus, if any, shall be applied in the manner provided by the by-laws of the company. 50 V. c. 26, s. 35. Dividends.

36. After the share capital has been subscribed as aforesaid, at least two-thirds of the persons to be elected directors of the company in addition to the qualifications required by section 74 of this Act, shall be holders of shares of the capital stock to the amount of \$3,000, on which all calls have been fully paid; the other one-third of the directors to be elected shall possess at least the qualifications required by section 74. 50 V. c. 26, s. 36. Qualification of directors.

37. The board of directors of any company which shall raise a share or stock capital under this Act, may make such by-laws, subject to the provisions of this Act and not inconsistent with or contrary to law, as may be necessary to carry out the objects and intentions of this Act, and to give effect to the provisions thereof; and may rescind, alter, vary or add to the same from time to time. 50 V. c. 26, s. 37. By-laws.

38. Any mutual or cash-mutual fire insurance company heretofore incorporated or organized, or which may be hereafter incorporated or organized under any of the laws of this Province, having surplus assets, aside from premium notes or undertakings, sufficient to reinsure all its outstanding risks, after having given notice once a week for four weeks of their intention, and of the meeting hereinafter provided for, in the *Ontario Gazette* and in a newspaper published in the county where the company is located, with the consent of two-thirds of the members present at any regular annual meeting, and of two-thirds of the subscribers of guarantee capital or share or stock capital, or at any special meeting duly called for the purpose, or with the consent, in writing, of two-thirds of the members of the company, and the consent, also, of three-fourths of the directors, and of two-thirds of the subscribers to the guarantee capital and share or stock capital, may, as provided in section 4 of this Act, be formed into a joint stock company under *The Ontario Joint Stock Companies' Letters Patent Act*, application having been made in terms of that Act; and every member, of such company, on the day of said annual or special meeting, or the date of the written consent, shall be entitled to priority in subscribing to the capital stock of the company, from one month after the opening of the books of subscription to the capital stock, in proportion to the amount of insurance held by such members on unexpired risks in force on the day of the annual or special meeting, or the date of the written con- How a mutual company may become a stock company.
Rev. Stat. c. 157.

sent; and every company so changed or organized shall come under and be subject to the provisions of the said last mentioned Act as provided in section 4 of this Act. 50 V. c. 26, s. 38.

New company to be answerable for liabilities of former company.

39. Any company which may be formed under the provisions of the last preceding section shall be answerable for all the liabilities of the company from which it has been formed, and may be sued therefor by or under its new corporate name, and the assets, real and personal, of the old company shall pass to and become vested in the new company. 50 V. c. 26, s. 39.

GOVERNMENT DEPOSITS.

Deposit by company.

40.—(1) Except mutual fire insurance companies licensed only for the insurance of farm buildings and isolated risks, every company shall, before the original issue or the renewal of the license, lodge with the Treasurer either in cash, or in any stock, debentures, or other securities in which trustees may invest trust money, the initial or renewal deposits respectively below stated: provided that this section, in so far as it amends the statutes heretofore in force shall not apply to such companies as have heretofore reported to the Department of the Treasurer; but shall, from the passing of this Act, apply to all other companies thereafter licensed.

Proviso.

Initial deposits.

(2) The initial deposit to be made by any company before the original issue of the license shall be the sum appointed for such company in sub-section 4 of this section.

Renewal deposits.

(3) Before the annual renewal of licenses the amount of deposit required of any company shall, on or before the first day of July in each year, be readjusted in terms of the next following two sub-sections.

Deposits for contingent liability of \$2,000,000 and under.

(4) If on the preceding 31st day of December in any year the company's total contingent liability or amount at risk does not exceed \$2,000,000;

Then every joint stock fire, or fire and inland-marine insurance company, and every life, or life and accident company, and every guarantee and surety company shall keep on deposit with the Provincial Treasurer, if a Provincial or Canadian company, \$25,000; and if a foreign company, \$50,000.

Every accident company, if Provincial or Canadian, shall keep on deposit with the Provincial Treasurer, \$20,000; and if a joint stock foreign company, \$40,000.

Every Provincial mutual fire, or fire and inland-marine company, insuring mercantile and manufacturing risks shall keep on deposit with the Provincial Treasurer, \$5,000; and every Provincial cash-mutual fire, or fire and inland-marine company insuring mercantile and manufacturing risks, \$10,000.

Every live stock insurance company shall keep on deposit as aforesaid, if Provincial or Canadian, \$10,000; and if foreign joint stock, \$25,000;

Every plate glass insurance company, and every company insuring against the explosion of steam boilers shall keep on deposit, as aforesaid, if Provincial or Canadian, \$5,000; and if foreign joint stock, \$10,000.

(5) If on the preceding 31st day of December in any year, the company's total contingent liability, or the amount at risk, exceeds \$2,000,000, then for each additional \$1,000,000, or fraction thereof, the companies enumerated in the next preceding sub-section shall respectively keep on deposit with the Provincial Treasurer, by way of additional security, a sum equal to one-fifth of the initial deposit; and the additional deposit shall be either in cash or securities as aforesaid. 50 V. c. 26, s. 40.

Additional deposit for each additional million or fraction thereof.

41.—(1) Securities of the Dominion of Canada, or securities issued by any of the Provinces of Canada, shall be accepted at their market value at the time when they are deposited.

Valuation of securities.

(2) The other securities above specified shall be accepted at such valuation and on such conditions as the Treasurer may direct.

(3) If the market value of any of the securities which have been deposited by any company declines below the value at which they were deposited, the Treasurer may, from time to time, call upon the company to make a further deposit, so that the market value of all the securities deposited by any company shall be equal to the amount which they are required to deposit by this Act.

If market value declines company to make further deposit.

(4) Where any security, obligation or covenant, or any interest in any real or personal estate, effects or property is given, or transferred to, made with, or vested in the Treasurer of Ontario, by virtue of his office of Treasurer, such security, obligation or covenant, and any right of action in respect thereto, and all the estate, right or interest of the said Treasurer in respect of such real and personal estate, effects or property upon the death, resignation or removal from office of the Treasurer, from time to time, and as often as the case happens and the appointment of a successor takes place, shall, subject to the same trusts as the same were respectively subject to, vest in the succeeding Treasurer by virtue of this Act, and shall and may be proceeded on by any action or in any other manner, or may be assigned, transferred or discharged, in the name of such succeeding Treasurer as the same might have been proceeded on, assigned, transferred or discharged by the Treasurer to, with or in whom they were first given, transferred, made, or vested if he had continued to hold office.

Securities, etc., vested in Treasurer of Ontario by virtue of his office, to vest in his successor.

Assignment,
etc., of
securities.

(5) Every such security, obligation, covenant or interest in real or personal estate, effects and property may in like manner as in the last sub-section mentioned be proceeded on, assigned, transferred or discharged by and in the name of any member of the Executive Council of Ontario, acting under the authority of section 3 of *The Act respecting the Executive Council*.

Rev. Stat. c.
13, s. 3.

Application of
sub-sect. 4.

(6) Sub-section 4 shall apply to every security, obligation or covenant, and every interest in real or personal estate, effects or property given or transferred to, made with, or vested in any former Treasurer of Ontario, by virtue or on account of his office, and shall transfer all the interest, rights and estate of the former Treasurer to the present Treasurer of Ontario, to be vested in him by virtue of his office and subject to the provisions of this Act.

Treasurer may
allow change
of securities
deposited with
him.

(7) Where any company desires to substitute other securities within section 40 for securities deposited with the Treasurer, the Treasurer, if he thinks fit, may permit the substitution to be made. 50 V. c. 26, s. 41.

Company may
deposit
beyond the
amount
absolutely
required.

42. A company may deposit in the hands of the Treasurer any sums of money or securities of the kind prescribed by section 40, beyond the sum by the said section required; and such further sums of money or securities shall be dealt with as if the same had been part of the original deposit; and no part of the additional deposit shall be withdrawn except with the sanction of the Lieutenant-Governor in Council. 50 V. c. 26, s. 42.

As to with-
drawal of
surplus.

Withdrawal of
deposit where
company
licensed by
Dominion.

43. A company having made a deposit under this Act shall be entitled to withdraw the deposit, with the sanction of the Lieutenant-Governor in Council, whenever it is made to appear to the satisfaction of the Lieutenant-Governor in Council that the company is carrying on its business of insurance under license from the Dominion of Canada. 50 V. c. 26, s. 43.

Any defi-
ciency of
security to
be made good
or license for-
feited.

44. If from the annual statements, or after examination of the affairs and condition of any company, it appears that the re-insurance value of all its risks outstanding in Ontario, together with any other liabilities in Ontario, exceeds its assets in Ontario, including the deposit in the hands of the Treasurer, then the company shall be called upon by the Treasurer to make good the deficiency at once, and on failure so to do, its license shall be cancelled, and its corporate powers shall thereupon cease and determine, except for the purpose of winding up its affairs as provided in section 7. 50 V. c. 26, s. 44.

As to interest
on securities.

45. Except in cases with respect to which it may be otherwise provided by the Lieutenant-Governor in Council, so long as any company's deposit is unimpaired and no notice of any

final judgment or order to the contrary is served upon the Provincial Treasurer, the interest upon the securities forming the deposit shall be handed over to the company. 50 V. c. 26, s. 45.

46. Where a company fails to make the deposits under this Act at the time required, or where written notice has been served on the Provincial Treasurer of an undisputed claim arising from loss insured against in Ontario remaining unpaid for the space of sixty days after being due, or of a disputed claim after final judgment in a regular course of law and tender of a legal valid discharge being unpaid, so that the amount of securities representing the deposit of the company is liable to be reduced by sale of any portion thereof, the license of the company shall *ipso facto* be null and void, and shall be deemed to be cancelled as in section 44; but the license may in the two last mentioned cases be renewed, and the company may again transact business, if within sixty days after notice to the Provincial Treasurer of the company's failure to pay any undisputed claim, or the amount of any final judgment as provided in this section, such undisputed claims or final judgments upon or against the company in Ontario are paid and satisfied, and the company's deposit is no longer liable to be reduced below the amount required by this Act. 50 V. c. 26, s. 46.

Licenses forfeited by failure to deposit, non-payment of claims and consequent deficiency of security.

Renewal on certain conditions.

47. The securities deposited with the Treasurer shall be subject to administration only in respect of any contract which falls within section 2, and which further has for its subject some property in the Province, or property in transit to or from the Province, or the life, safety, health, fidelity, or insurable interest of some resident of the Province, or where the contract itself makes the payment thereunder primarily payable to some resident of the Province. 50 V. c. 26, s. 47.

Government deposit security for certain contracts only.

48.—(1) Any company shall be liable to have its deposits in the hands of the Treasurer administered in manner hereinafter mentioned upon the failure of the company to pay any undisputed claim arising under any contract within section 47 for the space of sixty days after being due, or, if disputed, after final judgment and tender of a legal valid discharge, and (in either case) after notice thereof to the Provincial Treasurer, and to the Inspector of Insurance. In case of such administration, all deposits of the company held by the Treasurer, shall be applied *pro rata* towards the payment of all claims duly authenticated against the company, as well as in respect of unearned premiums, such being claims and premiums under the contracts aforesaid, and the distribution of the proceeds of such deposits may be made by order of the High Court.

When a company shall be liable to have deposits administered.

Provisions for application of deposits in such case.

(2) In any case where a claim accruing on the occurrence of any event is by the terms of the contract payable on proof of such occurrence, without any stipulated delay, the notice re-

Proviso, if delay was given for the payment of any loss.

quired under this section shall not be given until after the lapse of sixty days from the time when the claim becomes due. 50 V. c. 26, s. 48.

Surrender of
deposit.

49. Before an application is made to a Court for the surrender of a company's deposit with the Government, at least ten days' notice of the intended application shall be served on the Treasurer or his deputy, and also upon the Inspector of Insurance; and the notice shall designate the Court to which application is proposed to be made, and shall state the day named for the hearing of the same. 50 V. c. 26, s. 49.

Appointment
of receiver:
his duty.

50.—(1) Upon granting an order for administration as aforesaid, the Court shall appoint a receiver, who may be an officer of the Court, who shall forthwith call upon the company to furnish a statement of all its outstanding contracts, being within sections 2 and 47, and upon all claimants under such contracts to file their claims; and upon the filing of the claims before the receiver, the parties interested shall have the right of contestation thereof, and the right of appeal from the decision of the receiver to the Court as aforesaid, according to the practice of the Court; and in case of any such administration, the claimants aforesaid shall be entitled to claim for a part of the premiums paid proportionate to the unexpired period of their contracts respectively, and such unearned premiums shall rank with judgments obtained and claims accrued, in the distribution of the assets; and upon the completion of the schedule to be prepared by the receiver of all judgments against the company upon the said outstanding contracts, and of all claims for unearned premiums or for surrender of policies the Court shall cause the securities held by the Treasurer for the company, or any part of them, to be sold in such manner and after such notice and formalities as the Court appoints; and the proceeds thereof, after paying expenses incurred, shall be distributed *pro rata* amongst the claimants according to the schedule, and the balance, if any, shall be surrendered to the company. But, if any claim arises within section 47 after the statement of the said outstanding contracts has been obtained from the company, as hereinbefore provided, and before the final order of the Court for the distribution of the proceeds of the securities, or if the proceeds of the securities are not sufficient to cover in full all claims recorded in the schedule, such additional claimants shall not be barred from any recourse they may have against the company in respect of such deficiency.

Proceedings in
case of admin-
istration.

What may be
claimed by
parties insured
in Ontario.

Sale of securi-
ties deposited.

If further loss
occurs and
deposits do not
cover claims.

Court may
confer upon
receiver the
power of a
Master.

(2) The Court, by the order appointing a receiver, or by any subsequent order, may authorize the receiver to exercise in respect of the accounts of the company all or any of the powers which the Master in Ordinary would have if he were taking an account of the claims against the said deposit, and every receiver so authorized shall possess the said powers as well as the powers usually enjoyed by a receiver appointed under an order of the said Court. 50 V. c. 26, s. 50.

51. Where a company has ceased to transact business in Ontario, and has given written notice to that effect to the Treasurer and to the Inspector, it shall re-insure all such outstanding contracts as are within section 47 in some company or companies licensed to do business in Ontario, or obtain a discharge of such contracts, and its securities shall not be delivered to the company until the same is done, to the satisfaction of the Treasurer. 50 V. c. 26, s. 51.

Duty of Company ceasing business.

52. Upon making application for its securities, the company shall file with the Inspector a list of all contracts within section 47 which have not been so re-insured or have not been discharged; and it shall at the same time publish in the *Ontario Gazette* a notice that it has applied to Government for the release of its securities on a certain day, not less than three months after the date of the notice, and calling upon all claimants, contingent or actual, opposing the release to file their opposition with the Inspector on or before the day so named; and after that day, if the Treasurer is satisfied that the company has ample assets to meet its liabilities under section 47, all the securities may be released to the company by an order of the Lieutenant-Governor in Council, or a sufficient amount of them may be retained to cover the claims filed; and the remainder may be released, and thereafter from time to time as such opposing claims lapse, or proof is adduced that they have been satisfied, further releases may be made on the authority aforesaid. 50 V. c. 26, s. 52.

Conditions on which deposits may be released.

LICENSE.

53.—(1) Before the issue of a license to a company not incorporated by Provincial authority, the company shall file in the office of the Inspector, a certified copy of the Act of incorporation, or other instrument of association of the company, and also a power of attorney from the company to its chief officer or agent in the Province, under the seal of the company, and signed by the president and secretary or other proper officer thereof, containing the matters hereinafter mentioned, verified by their oath, and further corroborated on oath by the said chief officer or agent in the Province, or by some person cognizant of the facts necessary to its verification, and also a statement of the condition and affairs of the company on the 31st day of December then next preceeding, or up to the usual balancing day of the company (but such day shall not be more than twelve months before the filing of the statement), in such form as may be required by the Treasurer of Ontario.

Certain documents to be filed before license is granted: what they must shew.

(2) The power of attorney shall declare at what place in the Province the chief agency of the company is, or is to be established, and shall expressly authorize the attorney to receive process in all actions and proceedings against the company in the Province for any liabilities incurred by the company

Contents of power of attorney.

therein, and shall declare that service of process for or in respect of such liabilities at the chief agency, or personally on the attorney, at the place where such chief agency is established, shall be legal and binding on the company to all intents and purposes.

If changes are made in chief agency document to be filed.

(3) Whenever a company licensed under this Act changes its chief agent or chief agency in Ontario, the company shall file a power of attorney as hereinbefore mentioned, specifying the change, and containing a similar declaration as to service of process as hereinbefore mentioned.

Such documents to be filed in Court.

(4) Duplicates of all such documents duly verified as aforesaid shall be filed at Toronto, in the office of the Clerk of the Process.

Certain records to be kept in the Treasury Department.

(5) There shall be kept in the office of the Inspector a record of the several documents filed by every company under this section, and under the heading of the company shall be entered the securities deposited on its account with the Provincial Treasurer, naming in detail the several securities, their par value, and value at which they are received as deposit; and before the issue of a new license, or the renewal of a license to a company, the requirements of the law shall be complied with by the company, and the statement of its affairs must shew that it is in a condition to meet its liabilities; and a record of the licenses as they are issued or renewed shall also be kept in the office of the Inspector. 50 V. c. 26, s. 53.

Terms whereon license may be renewed.

Process and action.

54.—(1) After the certified copies referred to in the last preceding section and the power of attorney are filed as aforesaid, any process in any action or proceeding against the company, for liabilities incurred in the Province, may be served on the company at its chief agency, and all proceedings may be had thereupon to judgment and execution in the same manner and with the same force and effect as in the proceedings in a civil action in the Province.

Service otherwise than as above.

(2) Nothing herein contained shall render invalid service in any other mode in which the company may be lawfully served. 50 V. c. 26, s. 54.

Companies required to be licensed.

55. Except companies licensed by the Treasurer, and companies specified in section 3, it shall not be lawful for a company to undertake or effect or solicit, or to agree or offer to undertake or effect, any contract within the intent of section 2, whether the contract be original or renewed; or to accept, or agree or negotiate for any premium or other consideration for the contract; or to prosecute or maintain any action or proceeding in respect of the contract, except such actions or proceedings as arise in winding up the affairs of the company under section 7. 50 V. c. 26, s. 55.

56. Any director, officer, agent, employee, or other person who, in contravention of section 55 undertakes or effects, or agrees or offers to undertake or effect, or solicits, any contract or collects any premium in behalf of any company, without the company being licensed under this Act, or if such license has been withdrawn, without the renewal thereof, or without filing the copy of the Act of incorporation, or other instrument of association of the company, and the power of attorney or any renewal thereof in the event of any change as hereinbefore provided, shall be liable to a penalty of \$200 for every such contravention of this Act, which penalty may be sued for and recovered on information filed in the name of the Attorney-General of Ontario; and one-half of the penalty, when recovered, shall be paid for the use of the Province, and the other half of the penalty to the informer; and in case of non-payment of the penalty and costs within one month, after judgment, the person so offending shall be liable to imprisonment in any gaol or prison for a period not exceeding three months, in the discretion of the Court wherein he is convicted. 50 V. c. 26, s. 56.

Penalty for transacting business in contravention of this Act.

How enforced and collected.

57. The license shall be in such form as may be from time to time determined by the Treasurer, and shall specify the business to be carried on by the company; and shall expire on the thirtieth day of June in each year, but shall be renewable from year to year. 50 V. c. 26, s. 57.

Form of license.

58. As soon as the company applying for a license has deposited with the Treasurer the securities hereinbefore mentioned, and has otherwise conformed to the requirements of this Act, the Treasurer may issue the license. 50 V. c. 26, s. 58.

When license shall issue.

59. Every company obtaining a license shall forthwith give due notice thereof in the *Ontario Gazette*, and at least one newspaper in the county, city, or place where the head office or chief agency is established, and shall continue the publication thereof once each week for the space of four weeks; and like notice shall be given for the same period when the company ceases, or notifies that it intends to cease, to carry on business in Ontario. 50 V. c. 26, s. 59.

Companies to give notice of license.

and of ceasing business.

60.—(1) Where a company desires to extend its business to some other branch within the intent of this Act, and has complied with the law in respect of additional deposit and otherwise, the Treasurer may on the report of the Inspector issue to the company a supplementary license authorizing it to undertake such other branch of business.

(2) When a supplementary license is granted, it shall be recorded in the books of the Inspector and filed in the same registry office as the original or prior license.

(3) The provisions herein enacted as to the continuance, renewal, suspension, and cancellation of licenses, shall equally apply to supplementary licenses. 50 V. c. 26, s. 60.

Company
ceasing busi-
ness in certain
cases to pay
losses.

61. After a company has ceased to transact business in Ontario after the notice hereby required, and its license has in consequence been withdrawn, the company shall nevertheless pay the losses arising from policies not re-instated or surrendered, as if the license had not been withdrawn. 50 V. c. 26, s. 61.

Statement to
be published
by Provincial
Treasurer.

62. The Provincial Treasurer shall cause to be published half-yearly in the *Ontario Gazette*, a list of companies licensed under this Act, with the amount of the deposit made by each company; and upon a new company being licensed, or upon the license of a company being withdrawn in the interval between two such half-yearly statements, he shall publish a notice thereof in the *Ontario Gazette* for the space of two weeks. 50 V. c. 26, s. 62.

FEES

63. Each company respectively shall pay to the Treasurer the following fees:—

| | |
|---|----------|
| 1 For recording and filing in the office of the Inspector the documents required by sections 4, 17, 53..... | \$ 10 00 |
| 2 For change of attorney under section 53..... | 5 00 |
| Application for change of name or of head office..... | 10 00 |
| 3 For initial license to do business:— | |
| Joint stock company..... | 100 00 |
| Cash-mutual company..... | 50 00 |
| Mutual..... | 25 00 |
| 4 For each annual renewal of license:— | |
| Joint stock company..... | 50 00 |
| Cash-Mutual company..... | 25 00 |
| Mutual..... | 5 00 |
| 5 For each Supplementary license:— | |
| Initial..... | 20 00 |
| Renewal..... | 10 00 |
| 6. For filing annual statements:— | |
| Joint stock company..... | 5 00 |
| Cash Mutual company..... | 5 00 |

50 V. c. 26, s. 63.

INTERNAL MANAGEMENT OF MUTUAL AND CASH-MUTUAL FIRE INSURANCE COMPANIES.

Restricted
application.

64. Sections 65 to 87 inclusive, shall apply only to mutual and cash-mutual fire insurance companies. 50 V. c. 26, s. 64.

1—Admission and withdrawal of members.

65. The company may admit, as a member thereof, the owner of any property, movable or immovable, and may insure the same, whether the owner thereof is or is not a freeholder; and every person admitted a member of the company by the insurance shall be entitled to the like rights, and be subjected to the like liabilities as other members of the company. 50 V. c. 26, s. 65.

Power to
admit mem-
bers and
insur

66. Members of any such company insuring in one mutual branch shall not be liable for claims on any other mutual branch; but this limitation of liability shall not apply as between the cash branch of a cash-mutual company and any other branch thereof. 50 V. c. 26, s. 66.

Members to be
liable to one
branch only.

67. No member of any mutual insurance company to which this Act may apply shall be liable in respect of any loss or other claim or demand against the company, otherwise than upon and to the extent of the amount unpaid upon his premium note or undertaking. 50 V. c. 26, s. 67.

Liability of
members.

68. Any member of the company may, with the consent of the directors, withdraw therefrom upon such terms as the directors may lawfully require. 50 V. c. 26, s. 68.

Members
withdrawing.

2.—General Meetings.

69. A meeting of the members for the election of directors shall be held in every year, within two months after the thirty-first day of December in each year, at such time and place as may be prescribed by the by-laws of the company. 50 V. c. 26, s. 69.

Annual meet-
ing for election
of directors.

70. At annual meetings, in addition to the election of directors, a report of the transactions of the company for the year ending on the previous thirty-first day of December, shall be presented and read, together with a full and unreserved statement of its affairs, exhibiting receipts and expenditures, assets and liabilities. 50 V. c. 26, s. 70.

Annual report
and state-
ment.

71. Notice of any annual or special meeting of the members of the company shall be published in one or more newspapers for at least two weeks previous to the day of the meeting; and the board of directors may convene at any time a general meeting of the company upon any urgent occasion, giving notice thereof as herein provided. 50 V. c. 26, s. 71.

Notice of
annual or
special meet-
ings.

72. Each member of the company shall be entitled, at all meetings of the company, to the number of votes proportioned to the amount by him insured, according to the following rates, that is to say: for any sum under \$1,500, one vote; from

Members to
have votes
proportionate
to the amount
of their insur-
ance.

\$1,500 to \$3,000, two votes; from \$3,000 to \$6,000, three votes; and one vote for every additional \$3,000; but no member shall be entitled to vote while in arrear for any assessment or premium due by him to the company. 50 V. c. 26, s. 72.

Right of applicants to vote.

73. No applicant for insurance shall be competent to vote or otherwise take part in the company's proceedings until his application has been accepted by the board of directors. 50 V. c. 26, s. 73.

3.—Directors.—Qualification, Election, etc.

Qualification of directors.

74. The directors shall be members of the company, and insured therein, for the time they hold office, to the amount of \$800 at least; and where the company has a share capital two-thirds of the directors shall have the further qualification mentioned in section 36 of this Act. 50 V. c. 26, s. 74.

Number of directors to be determined by resolution.

75.—(1) The board of directors shall consist of six, nine, twelve or fifteen directors, as shall be determined by resolution passed at the meeting held under section 13 or at an annual meeting of the company, or at a special general meeting called for the purpose of such determination and election.

(2) The number of directors constituting such board may from time to time be increased or decreased, if so decided at a special general meeting of the company called for the purpose, or at an annual meeting, if notice in writing of the intention to move a resolution for that purpose at such annual meeting is given to the secretary of the company at least one month before the holding of the meeting; but the increased or decreased number of directors shall in any such case be six, nine, twelve or fifteen as aforesaid. 50 V. c. 26, s. 75.

Copy of resolution and list of directors to be filed.

76. A copy of the resolution specified in the last preceding section, together with a list of the directors elected thereunder, both documents being duly certified under the hands of the chairman and secretary of the annual meeting or special general meeting aforesaid, shall be filed in the office of the Inspector and also in the registry office. 50 V. c. 26, s. 76.

Retirement of directors in rotation.

77. Of the directors elected, as hereinbefore provided, one-third shall retire annually in rotation, and at the first meeting of the directors, or as soon thereafter as possible, it shall be determined by lot which of them shall hold office for one, two or three years respectively, and the determination shall be entered of record as part of the minutes of said first meeting. 50 V. c. 26, s. 77.

Annual election to fill vacancies.

78. At every annual meeting of the company thereafter, one-third of the total number of directors shall be elected for a period of three years, to fill the places of the retiring members, who shall be eligible for re-election. 50 V. c. 26, s. 78.

79. The manager of a mutual insurance company may be a director of the company, and may be paid an annual salary, but only under a by-law of the company. 50 V. c. 26, s. 79.

Manager may be a director.
His salary.

80. No agent or paid officer, or person in the employment of the company, other than the manager, shall be eligible to be elected a director, or shall be allowed to interfere in the election of directors for the company. 50 V. c. 26, s. 80.

Certain persons not eligible to be elected directors.

81. The election of directors shall be held and made by such members of the company as attend for that purpose in their own proper persons. 50 V. c. 26, s. 81.

Election of directors.

82. The election of directors shall be by ballot. 50 V. c. 26, s. 82.

Mode of election.

83. If at any such election two or more members have an equal number of votes, in such manner that a less number of persons than the whole number to be elected appear to have been chosen directors by a majority of votes, then the said members of the company shall proceed to elect by ballot, until it is determined which of the persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of directors to be elected; and the directors shall at their first meeting after any such election, proceed to elect by ballot among themselves, a president and vice-president, and at such election the secretary shall preside. 50 V. c. 26, s. 83.

Case of a tie at an election.

Election of a President and Vice-President.

84. If a vacancy happens among the directors during the term for which they have been elected, by death, resignation, ceasing to have the necessary qualification under section 74 of this Act, insolvency, or by being absent, without previous leave of the board, from the board for three regular meetings in succession, which shall *ipso facto* create such vacancy, the vacancy shall be filled up, until the next annual meeting, by any person duly qualified, to be nominated by a majority of the remaining directors, and as soon as may be after the vacancy occurs; and at the next annual meeting the vacancy shall be filled for the portion of the term still unexpired. 50 V. c. 26, s. 84.

Vacancies in office of director, how filled up.

85. In case an election of directors is not made on the day on which it ought to have been made, the company shall not for that cause be dissolved, but the election may be held on a subsequent day, at a meeting to be called by the directors, or as otherwise provided by the by-laws of the company, and in such case the directors shall continue to hold office till their successors are elected. 50 V. c. 26, s. 85.

Provision in case of failure to elect directors on proper day.

86. Three directors shall constitute a quorum for the transaction of business; and in case of an equality of votes at any meeting of the board, the question shall pass in the negative. 50 V. c. 26, s. 86.

Quorum of directors.

Directors disagreeing may record their dissent.

87. A director disagreeing with the majority of the board at a meeting, may have his dissent recorded, with his reasons therefor. 50 V. c. 26, s. 87.

POWERS OF DIRECTORS—GENERAL PROVISIONS.

Application of ss. 89-98.

88. Sections 89 to 98 inclusive shall apply to all companies transacting business under license of the Provincial Treasurer. 50 V. c. 26, s. 88.

Appointment of officers.

89. The board of directors may from time to time appoint a manager, secretary, treasurer, and such other officers, agents, or assistants, as to them seem necessary; prescribe their duties, fix their compensations or allowances; take such security from them as is required by this Act for the faithful performance of their respective duties, and remove them and appoint others instead; the board may also adopt a table of rates, premiums, or premium notes, as the case may be, and vary such table from time to time, and determine the amount of the contract to be undertaken; they may hold their meetings monthly, or oftener if necessary, for transacting the business of the company; and they shall keep a record of their proceedings. 50 V. c. 26, s. 89.

Board may adopt a tariff of rates. Meetings of the board.

The board may pass by-laws.

90.—(1) The board may from time to time make and prescribe such by-laws as to them appear needful and proper, respecting the funds and property of the company, the duty of the officers, agents and assistants thereof, the effectual carrying out of the objects contemplated by this Act, the holding of the annual meeting, and all such other matters as appertain to the business of the company, and are not contrary to law, and may from time to time alter and amend the said by-laws, except in cases with regard to which it is provided that any such by-laws shall not be repealed, or where the repeal would affect the rights of others than the members of the company, in any of which cases such by-law shall not be repealed.

When by-laws are not repealable.

When resolution to have the effect of a by-law.

(2) Every by-law of the board shall be duly entered in the minutes, and when confirmed at any subsequent meeting of the members, shall be held to be and have the same force and effect as a by-law of the company.

By-laws to be filed with Inspector.

(3) There shall be filed with the Inspector copies of all by-laws that may from time to time be passed by the company or the board. 50 V. c. 26, s. 90.

The board to manage the property, etc., of the Company.

91. The board shall superintend and have the management of the funds and property of the company, and of all matters relating thereto, and not otherwise provided for. 50 V. c. 26, s. 91.

92. The board may make arrangements with any other company licensed to transact business in the Province for the re-insurance, on such conditions with respect to the payment of premiums thereon as may be agreed between them. 50 V. c. 26, s. 92.

Re-insurance
of risks.

93. The board may, in the name of the company, invest the capital and funds of the company in any stock, debentures, or other securities in which trustees may invest trust money, and may, if a mutual or cash-mutual company, in the name of the company, recover from any member of such company, in any Court of competent jurisdiction, any premium or assessment upon his premium note payable by him. 50 V. c. 26, s. 93.

Investment of
capital and
funds of the
Company.

Recovery of
assessments.

94.—(1) The board may issue debentures or promissory notes in favour of any person, firm, building society, banking or other company, for the loan of money, and may borrow money therefrom on such debentures or promissory notes for any term not exceeding twelve months, and on such conditions as they think proper, and may renew the same from time to time for any such term, the whole of the assets, including premium notes of the company, being held liable to pay the same at maturity, but no such debenture or promissory note shall be for a less sum than \$100.

Directors may
issue debentures and promissory notes for loans:

assets of the
company to be
liable for the
same.

(2) All the debentures and promissory notes at any one time outstanding shall not exceed one-fourth of the amount remaining unpaid upon the same premium notes. 50 V. c. 26, s. 94.

Amount of
debentures,
etc., limited.

95. Every company may hold such lands only as are requisite for the accommodation of the company, in relation to the transaction of their business, or such lands as have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts contracted in the course of their dealings previously to such conveyance, or purchased at sales upon judgments obtained for such debts, and may from time to time sell and convey or lease any such lands. 50 V. c. 26, s. 95.

Land that
may be held
by the com-
pany.

96. No company shall contract with any director or officer thereof for any loan or credit, or borrowing of money, and every such attempted loan or borrowing is hereby prohibited; and any contract in violation of this section shall be void. 50 V. c. 26, s. 96.

Loans to or
from direc-
tors, etc.,
forbidden.

97. The treasurer of the company or other officer having charge of the money of the company shall give security to the satisfaction of the board of directors in a sum of not less than \$2,000 for the faithful discharge of his duties. 50 V. c. 26, s. 97.

Treasurer of
company to
give security.

98. At any annual meeting of the members or stockholders of a company, or at any special general meeting thereof, if such purpose was clearly expressed in the notice of the special

Remuneration
of directors.

general meeting, it shall be lawful to enact by-laws or pass resolutions for the remuneration of the directors of the company, and copies of such by-laws or resolutions shall, within one week after their passing, be filed with the Inspector of Insurance, with whom also shall be filed copies of all other by-laws that may from time to time be enacted by the company or by the board of directors. 50 V. c. 26, s. 98.

BOOKS, ACCOUNTS AND RETURNS.

Application of ss. 100-105. **99.** Sections 100 to 105 shall apply to all companies within the intent of this Act. 50 V. c. 26, s. 99.

Company to keep such books as may be directed by Treasurer. **100.** Every company shall keep such a classification of its contracts, and such registers and books of account as may from time to time be directed or authorized by the Provincial Treasurer; and if it appears at any time to the Inspector that such books are not kept in such business-like way as to make at any time a proper shewing of the affairs and standing of the company, he shall report the same to the Provincial Treasurer who shall thereupon nominate a competent accountant to proceed, under the directions of the Inspector, to audit such books and to give such instructions as will enable the officers of the company to keep them correctly thereafter, the expense of the accountant to be borne by the company to which he is sent, and shall not exceed \$5 per day and necessary travelling expenses; the account for such audit and instructions shall be certified and approved as provided in section 149, and thereupon shall be payable by the company forthwith. 50 V. c. 26, s. 100.

Transfer register.

101. Where the company has a share or stock capital, the company shall keep a stock register, in which a register of the transfers of stock shall be accurately kept, and it shall at all reasonable times be open to the examination of any shareholder and the Inspector. The entries in such register shall include the following particulars: the register numbers of the shares transferred; the amount of subscribed stock transferred; the amount heretofore paid up on such stock; the names and addresses of the transferor and the transferee; the date of the transfer and the date of confirmation or disallowance by the board. 50 V. c. 26, s. 101.

Separate record of Provincial business.

102. The books and records required to be kept by section 100 and 101, shall include only contracts within section 47. 50 V. c. 26, s. 102.

Yearly statement to Treasurer of Ontario.

103.—(1) It shall be the duty of the president, vice-president, or managing director, secretary, or manager, and treasurer when the secretary is not also treasurer of the company, to prepare annually under their oath, on the first day of January, or within one month thereafter, a statement of the condition and affairs of the company on the 31st of December then next

preceding, exhibiting assets, liabilities, receipts and expenditure, in such form and with such items and detail as shall be required by the Provincial Treasurer, and to cause such statement to be deposited in the office of the Inspector, such statement to be accompanied by a declaration to the effect shewn in the form to this subsection annexed, sworn to before some person duly authorized to administer oaths in any legal proceeding, and every such person is hereby authorized to administer any oath required under this Act.

Form of Declaration to accompany the Statement.

Province of Ontario, } We,
County of }

Secretary and President and
of company, severally make oath and say, and each for himself says, that we are the above described officers of the said company, and that we have, each of us individually, the means of verifying the correctness of the statement within contained of the affairs of the said company, and that on the day of

last, all the above described assets were the absolute property of the said company, free and clear from any liens or claims thereon, except as above stated, and that the foregoing statement, with the schedules and explanations hereunto annexed and by us subscribed, are a full and correct exhibit of all the liabilities, and of the income and expenditure, and of the general condition and affairs of the said company, on the said day of last, and for the year ending on

that day.

Sworn before me, at the
in the county of , this
day of , A.D. 18 }

Signatures.

(2) The Provincial Treasurer may, from time to time make such changes in the form of the statements as seem to him best adapted to elicit from the companies a true exhibit of their condition in respect to the several points hereinbefore enumerated. Form of statement may be changed by Provincial Treasurer.

(3) Every company shall further, when required, make prompt and explicit answer in reply to any inquiries in relation to its transactions which may be required by the Lieutenant-Governor in Council. 50 V. c. 26, s. 103. Companies to reply to inquiries of Lt.-Governor in Council.

104. Any violation of the next preceding section shall subject the company violating the same to a penalty of \$200 for every violation, and of the additional sum of \$100 for every month during which the company neglects to file such affidavits and statements as are therein required; if such penalties are not paid, the Lieutenant-Governor in Council may order such company's license to be suspended or cancelled, as may be deemed expedient. 50 V. c. 26, s. 104. Penalty for contravention of above section.

105. The Provincial Treasurer from the yearly statements required to be made, shall prepare annually an abstract report, shewing the results of every company's business together with an analysis of every branch of insurance, with the company's Report of Provincial Treasurer to be laid before the Legislature.

name, classified from the statements made by the respective companies; and the Treasurer shall publish the said abstract report forthwith for general information. 50 V. c. 26, s. 105.

CONTRACTS OF FIRE INSURANCE—GENERAL PROVISIONS.

Term of
contracts.

106. Contracts of fire insurance shall not in any case exceed the term of three years; and the insurance of mercantile and manufacturing risks shall, if on the cash system, be for terms not exceeding one year. 50 V. c. 26, s. 106.

Renewing
policies.

107. Any contract that may be made for one year or any shorter period, may be renewed at the discretion of the board of directors by renewal receipts instead of policy, on the insured paying the required premiums, or giving his premium note or undertaking; and any cash payments for renewal must be made at the end of the year, or other period for which the policy was granted, otherwise the policy shall be null and void. 50 V. c. 26, s. 107.

Property
which may be
insured.

108. The company may, within the limits prescribed by the license, insure dwelling houses, stores, shops and other buildings, household furniture, merchandise, machinery, live stock, farm produce and other commodities, against damage or loss by fire or lightning, whether the same happens by accident or any other means, except that of design on the part of the insured, or by the invasion of an enemy, or by insurrection. 50 V. c. 26, s. 108.

Minimum
rates.

109. The rate to be charged or taken by way of premium note for insuring first-class isolated non-hazardous property shall be not less than one dollar per one hundred dollars per annum; and the minimum rate of insurance upon other property shall be increased relatively with the increased risk, according to the nature of such property: provided that premium notes of less than \$1 per \$100 per annum may be charged or taken when and so long as the gross amount at risk exceeds \$2,000,000, and the total assets of the company do not fall below two per centum of the gross amount at risk; or so long as the company keeps on deposit with the Provincial Treasurer the full amount required of new companies licensed after the commencement of this Act. 50 V. c. 26, s. 109.

Policies to be
binding on the
company.

110. All contracts of fire insurance issued by the board of directors, sealed with the seal of the company, signed by the president or vice-president, and countersigned by the secretary or acting secretary, shall be binding on the company. 50 V. c. 27, s. 110.

111.—(1) Whenever notification in writing has been received by a company from a person already insured, of his intention or desire to insure an additional sum on the same property in some other company, the said additional insurance shall be deemed to be assented to unless the company within two weeks after the receipt of such notice signify to the party in writing their dissent; and in case of dissent, the liability of the insured on the premium note or undertaking, if any, shall cease from the date of the dissent, on account of any loss that may occur to such company thereafter.

Notification of insurance in another company.

Dissent of the company to the additional insurance.

(2) The notification to the company, and any other written notice to a company for any purpose of this Act, where the mode thereof is not expressly provided may be by letter delivered at the head office of the company in Ontario, or by registered post letter addressed to the company, its manager or agent, at such head office, or by such written notice given in any other manner to an authorized agent of the company. 50 V. c. 26, s. 111.

112. It shall be optional with the directors to pay or allow claims which are void under the 3rd, 4th, or 8th statutory condition, or under section 111 of this Act, in case the said directors think fit to waive the objections mentioned in the said conditions or section. 50 V. c. 26, s. 112.

Optional with directors to pay claims void under s. 111, etc.

113. The party insured shall if insured against fire on the mutual plan be liable to pay his proportion of the losses and expenses of the company to the time of cancelling the policy, and on payment of his proportion of all assessments then payable and to become payable in respect of losses and expenses sustained up to such period, shall be entitled to a return of his premium note or undertaking. 50 V. c. 26, s. 113.

Cancellation of policies.

STATUTORY CONDITIONS AND PROVISIONS RELATING THERETO.

114. The conditions set forth in this section shall, as against the insurers, be deemed to be part of every contract, whether sealed, written or oral, of fire insurance hereafter entered into or renewed or otherwise in force in Ontario with respect to any property therein or in transit therefrom or thereto, and shall be printed on every such policy with the heading *Statutory Conditions*; and no stipulation to the contrary, or providing for any variation, addition or omission, shall be binding on the assured unless evidenced in the manner prescribed by sections 115 and 116.

Statutory conditions to be part of every contract unless varied.

1. If any person or persons insures his or their buildings or goods, and causes the same to be described otherwise than as they really are, to the prejudice of the company, or misrepresents or omits to communicate any circumstance which is material to be made known to the company, in order to enable

Misrepresentation or omission.

it to judge of the risk it undertakes, such insurance shall be of no force in respect to the property in regard to which the misrepresentation or omission is made.

Policy sent to be deemed as applied for unless variance pointed out. 2. After application for insurance, it shall be deemed that any policy sent to the assured is intended to be in accordance with the terms of the application, unless the company points out, in writing, the particulars wherein the policy differs from the application.

When a change as to risk shall avoid a policy. Notice of change, etc. 3. Any change material to the risk, and within the control or knowledge of the assured, shall avoid the policy as to the part affected thereby, unless the change is promptly notified in writing to the company or its local agent; and the company when so notified may return the premium for the unexpired period and cancel the policy, or may demand in writing an additional premium, which the assured shall, if he desires the continuance of the policy, forthwith pay to the company; and if he neglects to make such payment forthwith after receiving such demand, the policy shall be no longer in force.

Change of property. 4. If the property insured is assigned without a written permission endorsed hereon by an agent of the company duly authorized for such purpose, the policy shall thereby become void; but this condition does not apply to change of title by succession, or by the operation of the law, or by reason of death.

Partial damage—salvage. 5. When property insured is only partially damaged, no abandonment of the same will be allowed unless by the consent of the company or its agent; and in case of the removal of property to escape conflagration, the company will contribute to the loss and expenses attending such act of salvage proportionately to the respective interests of the company or companies and the assured.

Money, securities, etc. 6. Money, books of account, securities for money, and evidences of debt or title are not insured.

Plate, paintings, clocks, etc. 7. Plate, plate glass, plated ware, jewelry, medals, paintings, sculptures, curiosities, scientific and musical instruments, bullion, works of art, articles of vertu, frescoes, clocks, watches, trinkets and mirrors, are not insured unless mentioned in the policy.

Prior or subsequent insurance. 8. The company is not liable for loss if there is any prior insurance in any other company, unless the company's assent thereto appears herein or is endorsed hereon, nor if any subsequent insurance is effected in any other company, unless and until the company assents thereto, or unless the company does not dissent in writing within two weeks after receiving written notice of the intention or desire to effect the subsequent insurance, or does not dissent in writing after that time and before the subsequent or further insurance is effected.

9. In the event of any other insurance on the property here- in described having been assented to as aforesaid, then this company shall, if such other insurance remains in force, on the happening of any loss or damage, only be liable for the pay- ment of a ratable proportion of such loss or damage without reference to the dates of the different policies.

Case of assent
to other
insurance.

10. The company is not liable for the losses following, that is to say :

(a) For loss of property owned by any other party than the assured, unless the interest of the assured is stated in or upon the policy ;

Liability in
case of non-
ownership.

(b) For loss caused by invasion, insurrection, riot, civil com- motion, military or usurped power ;

Riot, invasion,
etc.

(c) Where the insurance is upon buildings or their contents —for loss caused by the want of good and substantial brick or stone chimneys ; or by ashes or embers being deposited, with the knowledge and consent of the assured, in wooden vessels ; or by stoves or stove-pipes being, to the knowledge of the assured, in an unsafe condition or improperly secured ;

Chimneys,
ashes, stoves.

(d) For loss or damage to goods destroyed or damaged while undergoing any process in or by which the application of fire heat is necessary ;

Goods to which
fire heat is
being applied.

(e) For loss or damage occurring to buildings or their con- tents while the buildings are being repaired by carpenters, joiners, plasterers or other workmen, and in consequence there- of, unless permission to execute such repairs had been previously granted in writing, signed by a duly authorized agent of the company. But in dwelling-houses fifteen days are allowed in each year for incidental repairs, without such permission ;

Repairs by
carpenters,
etc.

(f) For loss or damage occurring while petroleum, rock, earth or coal oil, camphene, gasoline, burning fluid, benzine, naphtha or any liquid products thereof, or any of their constituent parts (refined coal oil for lighting purposes only, not exceeding five gallons in quantity, or lubricating oil not being crude petroleum nor oil of less specific gravity than required by law for illuminating purposes, not exceeding five gallons in quantity, excepted), or more than twenty-five pounds weight of gunpowder is or are stored or kept in the building insured or containing the property insured, unless permission is given in writing by the company.

Gunpowder,
coal oil, etc.

11. The company will make good loss caused by the explo- sion of coal gas in a building not forming part of gas works, and loss by fire caused by any other explosion or by lightning.

Explosion.
Lightning.

12. Proof of loss must be made by the assured, although the loss be payable to a third party.

Proof of loss
when payable
to other than
assured.

Directions to
be observed on
making claim.

13. Any person entitled to make a claim under this policy is to observe the following directions :

(a) He is forthwith after loss to give notice in writing to the company ;

(b) He is to deliver, as soon afterwards as practicable, as particular an account of the loss as the nature of the case permits ;

(c) He is also to furnish therewith a statutory declaration, declaring,

(1) That the said account is just and true ;

(2) When and how the fire originated, so far as the declarant knows or believes ;

(3) That the fire was not caused through his wilful act or neglect, procurement, means or contrivance ;

(4) The amount of other insurances ;

(5) All liens and incumbrances on the subject of insurance ;

(6) The place where the property insured, if movable was deposited at the time of the fire.

(d) He is in support of his claims, if required and if practicable, to produce books of account, warehouse receipts and stock lists, and furnish invoices and other vouchers ; to furnish copies of the written portion of all policies ; to separate as far as reasonably may be the damaged from the undamaged goods, and to exhibit for examination all that remains of the property which was covered by the policy.

(e) He is to produce, if required, a certificate under the hand of a magistrate, notary public, commissioner for taking affidavits, or municipal clerk, residing in the vicinity in which the fire happened, and not concerned in the loss or related to the assured or sufferers, stating that he has examined the circumstances attending the fire, loss or damage alleged, that he is acquainted with the character and circumstances of the assured or claimant, and that he verily believes that the assured has by misfortune and without fraud or evil practice sustained loss and damage on the subject assured, to the amount certified.

Proof of loss
may be made
by agent.

14. The above proofs of loss may be made by the agent of the assured, in case of the absence or inability of the assured himself to make the same, such absence or inability being satisfactorily accounted for.

False state-
ment or fraud
vitiates claim.

15. Any fraud or false statement in a statutory declaration, in relation to any of the above particulars, shall vitiate the claim.

Arbitration in
case of dif-
ferences.

16. If any difference arises as to the value of the property insured, of the property saved, or amount of the loss, such value and amount and the proportion thereof (if any) to be

paid by the company, shall, whether the right to recover on the policy is disputed or not, and independently of all other questions, be submitted to the arbitration of some person to be chosen by both parties, or if they cannot agree on one person, then to two persons, one to be chosen by the party assured and the other by the company, and a third to be appointed by the persons so chosen, or on their failing to agree, then by the County Judge of the county wherein the loss has happened; and such reference shall be subject to the provisions of the laws applicable to references in actions; and the award shall, if the company is in other respects liable, be conclusive as to the amount of the loss and proportion to be paid by the company; where the full amount of the claim is awarded the costs shall follow the event; and in other cases, all questions of costs shall be in the discretion of the arbitrators.

17. The loss shall not be payable until _____ days after completion of the proofs of loss, unless otherwise provided for by the contract of insurance. Loss when payable. -

(a) The blank shall be filled in the case of mutual and cash mutual companies with the word "sixty," and in the case of other companies with the word "thirty."

18. The company, instead of making payment, may repair, rebuild or replace within a reasonable time, the property damaged or lost, giving notice of their intention within fifteen days after receipt of the proofs herein required. Company may replace, instead of paying.

19. The insurance may be terminated by the company by giving notice to that effect, and, if on the cash plan, by tendering therewith a ratable proportion of the premium for the unexpired term, calculated from the termination of the notice: in the case of personal service of the notice five days' notice excluding Sunday, shall be given. Notice may be given by any company having an agency in Ontario by registered letter addressed to the assured at his last post-office address notified to the company, and where no address notified, then to the post-office of the agency from which application was received, and where such notice is by letter, then seven days from the arrival at any post-office in Ontario shall be deemed good notice. And the policy shall cease after such tender and notice aforesaid, and the expiration of the five or seven days as the case may be. Insurance terminable on notice.

(a) The insurance, if for cash, may also be terminated by the assured by giving written notice to that effect to the company or its authorized agent, in which case the company may retain the customary short rate for the time the insurance has been in force, and shall repay to the assured the balance of the premium paid.

Waiver of condition.

20. No condition of the policy, either in whole or in part, shall be deemed to have been waived by the company, unless the waiver is clearly expressed in writing, signed by an agent of the company.

Officers assuming to agree in writing to be deemed agents.

21. Any officer or agent of the company, who assumes on behalf of the company to enter into any written agreement relating to any matter connected with the insurance, shall be deemed *prima facie* to be the agent of the company for the purpose.

Actions to be brought within one year.

22. Every action or proceeding against the company for the recovery of any claim under or by virtue of this policy, shall be absolutely barred, unless commenced within the term of one year next after the loss or damage occurs.

What constitutes written notice.

23. Any written notice to a company for any purpose of the statutory conditions, where the mode thereof is not expressly provided, may be by letter delivered at the head office of the company in Ontario, or by registered post letter addressed to the company, its manager or agent, at such head office, or by such written notice given in any other manner to an authorized agent of the company. 50 V. c. 26, s. 114.

Variations how indicated.

115. If a company or other insurer desires to vary the said conditions, or to omit any of them, or to add new conditions, there shall be added on the instrument of contract containing the printed statutory conditions words to the following effect, printed in conspicuous type, and in ink of different colour :—

“ VARIATIONS IN CONDITIONS.

“This policy is issued on the above Statutory Conditions, with the following variations and additions :—

“These variations (*or as the case may be*) are, by virtue of the Ontario Statute in that behalf, in force so far as, by the Court or Judge before whom a question is tried relating thereto, they shall be held to be just and reasonable to be exacted by the company.” 50 V. c. 26, s. 115.

Variations not binding unless clearly indicated.

116. No such variation, addition or omission shall, unless the same is distinctly indicated and set forth in the manner or to the effect aforesaid, be legal and binding on the assured : and no question shall be considered as to whether any such variation, addition or omission is, under the circumstances, just and reasonable, but on the contrary, the policy shall, as against the insurers, be subject to the statutory conditions only, unless the variations, additions or omissions are distinctly indicated and set forth in the manner or to the effect aforesaid. 50 V. c. 26, s. 116.

117. In case a policy is entered into or renewed containing or including any condition other than or different from the conditions set forth in section 114, if the said condition so contained or included is held, by the Court or Judge before whom a question relating thereto is tried, to be not just and reasonable, such condition shall be null and void. 50 V. c. 26, s. 117.

Policy containing other than statutory conditions.

118. Where, by reason of necessity, accident or mistake, the conditions of any contract of fire insurance on property in this Province as to the proof to be given to the insurance company after the occurrence of a fire have not been strictly complied with; or where, after a statement or proof of loss has been given in good faith by or on behalf of the assured, in pursuance of any proviso or condition of such contract, the company, through its agent or otherwise, objects to the loss upon other grounds than for imperfect compliance with such conditions, or does not within a reasonable time after receiving such statement or proof notify the assured in writing that such statement or proof is objected to, and what are the particulars in which the same is alleged to be defective, and so from time to time; or where, for any other reason, the Court or Judge before whom a question relating to such insurance is tried or inquired into, considers it inequitable that the insurance should be deemed void or forfeited by reason of imperfect compliance with such conditions—no objection to the sufficiency of such statement or proof or amended or supplemental statement or proof (as the case may be) shall, in any of such cases, be allowed as a discharge of the liability of the company on such contract of insurance wherever entered into. 50 V. c. 26, s. 118.

If due proof of loss not given through accident, etc., or objection not made thereto, or made on other grounds than non-compliance with conditions:

or, if full compliance adjudged inequitable,

in above cases, liability and policy not vacated.

119. A decision of a Court or Judge under this Act shall Appeal. be subject to review or appeal to the same extent as a decision by such Court or Judge in other cases. 50 V. c. 26, s. 119.

120.—(1) Any Justice of the Peace, or any one having lawful authority to administer an oath or affirmation in any legal proceeding, may examine on oath or solemn affirmation any party or person who comes before him to give evidence touching any loss by fire in which any fire insurance company is interested, and may administer any oath or affirmation required under this Act.

Justices of the Peace, etc., may swear and examine witnesses regarding loss.

(2) On receiving a written request from any officer or agent of any insurance company with security for the expenses of an investigation, any Justice of the Peace may at once proceed to hold an investigation as to the origin or cause of any fire that has happened within his county or district, and as to the persons, if any, profiting thereby.

May hold special investigation on request.

Powers.

(3) The Justice of the Peace shall have power to send for persons and papers, and to examine all persons that appear before him on oath or solemn affirmation; and he shall keep a record of all such proceedings and of the evidence given before him. 50 V. c. 26, s. 120.

PREMIUM NOTES AND ASSESSMENTS.

Application of ss. 122-136.

121. Sections 122 to 136 inclusive shall apply only to mutual and cash-mutual fire insurance companies. 50 V. c. 26, s. 121.

Company may accept premium notes.

122. The company may accept premium notes, or the undertaking of the assured, for insurances, and may undertake contracts in consideration thereof; said notes or undertakings to be assessed for the losses and expenses of the company in the manner hereinafter provided. 50 V. c. 26, s. 122.

Part payment may be demanded at the time of application for insurance.

123. The directors may demand in cash a part or first payment of the premium, or premium note or undertaking at the time that application for insurance is made; and such first payment shall be credited upon said premium note or undertaking or against future assessments, but not more than fifty per centum of any premium or premium note or undertaking shall be paid in cash at the time of such application or of effecting the insurance. 50 V. c. 26, s. 123.

Assessment of premium notes.

124. All premium notes or undertakings belonging to the company shall be assessed under the direction of the board of directors, at such intervals from their respective dates, for such sums as the directors determine, and for such further sums as they think necessary and as are authorized by this Act for losses, expenses, and reserve, during the currency of the policies for which said notes or undertakings were given and in respect to which they are liable to assessment; and every member of the company, or person who has given a premium note or undertaking, shall pay the sums from time to time payable by him to the company during the continuance of his policy, in accordance with the assessment; and the assessment shall become payable in thirty days after notice thereof has been mailed to the member, or person who has given the premium note or undertaking, directed to his post-office address, as given in his original application, or otherwise in writing to the company. 50 V. c. 26, s. 124.

Notice to be given of the assessment.

Policy to be void, if any assessment or note is not paid within thirty days.

125. If the assessment on the premium note or undertaking upon a policy is not paid within thirty days after the day on which the assessment has become due, the contract of insurance for which the assessment has been made shall be null and void as respects all claim for losses occurring during the time of non-payment: but the contract shall be revived when the assessment has been paid, unless the secretary gives notice to

the contrary to the assessed party in the manner in this Act provided; but nothing shall relieve the assured party from his liability to pay the assessment or any subsequent assessments, nor shall the assured party be entitled to recover the amount of loss or damage which happens to property insured under the contract while the assessment remains due and unpaid, unless the board of directors in their discretion decide otherwise. 50 V. c. 26, s. 125.

126. A notice of assessment upon any premium note or undertaking mailed as aforesaid shall be deemed sufficient if it embodies the register number of the contract, the period over which the assessment extends, the amount of the assessment, the time when and the place where payable. 50 V. c. 26, s. 126.

127. The assessment upon premium notes or undertakings shall always be in proportion to the amount of the notes or undertakings, having regard to the branch or department or the class to which their policies respectively appertain. 50 V. c. 26, s. 127.

128. If a member or other person, who has given a premium note or undertaking, for thirty days after notice of assessment has been mailed to him in manner aforesaid, neglects or refuses to pay the assessments, the company may sue for and recover the same with costs of suit, and such proceeding shall not be a waiver of any forfeiture incurred for such non-payment. 50 V. c. 26, s. 128.

129. Where an assessment is made on any premium note or undertaking given to the company for a risk taken by the company, or as a consideration for any policy of insurance issued, or to be issued by the company, and an action is brought to recover the assessment, the certificate of the secretary of the company, specifying the assessment, and the amount due to the company on the note or undertaking by means thereof, shall be taken and received as *prima facie* evidence thereof in any Court in this Province. 50 V. c. 26, s. 129.

130.—(1) The company may form a reserve fund, to consist of all moneys which remain on hand at the end of each year, after payment of the ordinary expenses and losses of the company; and for that purpose the board of directors may levy an annual assessment not exceeding ten per centum on the premium notes or undertakings held by the company; and the reserve fund may from time to time be applied by the directors to pay off such liabilities of the company as may not be provided for out of the ordinary receipts for the same or any succeeding year.

how invested. (2) The reserve fund shall be invested in stock, debentures, or other securities in which trustees may invest trust money; or may remain in a chartered bank in Ontario deposited at interest in the name of the company. 50 V. c. 26, s. 130.

Directors may retain amount of premium notes.

131. If there is a loss on property insured by the company the board of directors may retain the amount of the premium note or undertaking given for insurance thereof, until the time has expired for which insurance has been made and at the expiration of said time the assured shall have the right to demand and receive such part of the retained sum as has not been assessed for. 50 V. c. 26, s. 131.

When premium note is to be returned.

132. Forty days after the expiration of the term of insurance, the premium note or undertaking given for the insurance shall, on application therefor, be given up to the signer thereof, provided all losses and expenses with which the note or undertaking is chargeable have been paid. 50 V. c. 26, s. 132.

Action in Division Court where brought.

133. An action cognizable in a Division Court upon or for any premium note or undertaking, or any sum assessed or to be assessed thereon may be entered and tried and determined in the Court for the division wherein the head office or any agency of the company is situate:

Actions on premium notes in Division Courts, where brought.

Provided always, that the provisions of this section shall not apply to nor include any such premium note or undertaking made or entered into after the first day of July, 1885, nor any sum assessed thereon, unless within the body of such note or undertaking or across the face thereof, there was at the time of the making or entering into the same, printed in conspicuous type, and in ink of a colour different from any other in or on such note the words following: "Any action which may be brought or commenced in a Division Court in respect or on account of this note or undertaking, or any sum to be assessed thereon, may be brought and commenced against the maker hereof in the Division Court for the division wherein the head office or any agency of the company is situate." 50 V. c. 26, s. 133.

Premium notes not to create lien on land.

134. No premium note or undertaking shall create a lien upon lands on which the insured property is situate. 50 V. c. 26, s. 134.

Powers of incorporated companies to insure on the cash premium principle.

135. Any cash-mutual fire insurance company licensed under this Act may effect any insurance upon the cash premium principle, for a period not exceeding three years on farm and other non-hazardous property, and for one year or less on any other class of property; but the amount of cash insurances in one year shall be limited, so that the cash premiums received thereon during any one year shall not be in excess of one-half

of the amount still payable in respect of premium notes or undertakings on hand on the thirty-first day of December of the previous year, according to the statement made under section 103; and all the property and assets of the company, including premium notes and undertakings, shall be liable for all losses which may arise under insurances for cash premiums; and any such company may also create or possess a guarantee capital or fund for the company, according to the provisions of this Act. 50 V. c. 26, s. 135.

Guarantee fund.

136.—(1) No execution shall issue against a mutual or cash-mutual company upon a judgment until after the expiration of sixty days from the recovery thereof; but this section shall not apply to any judgment recovered on any policy or undertaking of the company heretofore issued or given where more than fifty per centum of the premium or premium note or undertaking was paid in cash at the time of the insurance or the application therefor.

Issue of execution against company.

(2) A Judge in chambers, or a referee in chambers, shall, upon the recovery of a judgment against the company, upon the application of the person in whose favour the same has been recovered, upon notice to the company, inquire into the facts, and if he shall certify that more than fifty per centum of the premium, or of the premium note, or undertaking was paid in cash at the time of the insurance, or upon the application therefor, execution may be forthwith issued upon such judgment. 50 V. c. 26, s. 136.

PAYMENT OF LIFE INSURANCE POLICY WHERE BENEFICIARY RESIDENT OUT OF THE PROVINCE.

137.—(1) Where under a policy of life insurance issued by an insurance company whose head office is in this Province, the money is payable to the representatives of a person who at the time of his death was domiciled or resident in any part of the Dominion of Canada other than Ontario, or in the Province of Newfoundland, and no person has become his personal representative in this Province, the money may, after the expiration of two months, be paid to the personal representative appointed by the Court of the Province in which the deceased was resident or domiciled at the time of his death; provided it appears upon the probate or letters of administration, or other like document of such Court, or by a certificate of the Judge under the seal of the Court, that it had been shewn to the satisfaction of the Court that the deceased at the time of his death was domiciled or resident at some place within the jurisdiction of such Court.

Payment to personal representative.

(2) This section applies to policies heretofore issued as well as to policies to be issued hereafter, and whether the death has occurred before the passing of this Act or not. 50 V. c. 7, s. 10.

INSPECTION OF COMPANIES.

Appointment
of Inspector.

138.—(1) For the efficient administration of the insurance business, the Lieutenant-Governor in Council may appoint an officer to be called the Inspector of Insurance, who shall act under the instructions of the Treasurer of Ontario, and his duty shall be to examine and report to the said Treasurer from time to time upon all matters connected with insurance as carried on by the companies within this Act.

(2) The salary of the Inspector shall be such sum per annum as the Legislature shall, from time to time, determine; and it shall be lawful to provide from time to time such assistance as may be found necessary. 50 V. c. 26, s. 137.

Inspector to
keep papers
on file.

139. The Inspector shall keep on file the various documents required by this Act to be filed in his office, and shall keep a record of all licenses issued by the Treasurer. 50 V. c. 26, s. 138.

Duties.

140.—(1) The Inspector of Insurance shall, personally or by deputy, visit the head office of every such company in Ontario at least once in every year, and shall carefully examine the statements of the company as to its condition and affairs and report thereon to the Treasurer as to all matters requiring his attention and decision.

(2) The Inspector shall from such examination prepare and lay before the Treasurer an annual report of the condition of every company's business as ascertained by him from such inspection, and such report shall be published forthwith after the completion thereof. 50 V. c. 26, s. 139.

Powers of
Inspector.

141.—(1) It shall be the duty of the officers or agents of the company to cause their books to be open for the inspection of the Inspector, and otherwise to facilitate the examination so far as may be in their power; and the Inspector or deputy aforesaid shall have power to examine under oath any officer or agent of the company relative to its business.

Report of
Inspector.

(2) A report of all companies so visited shall be entered in a book kept for that purpose, with notes and memoranda shewing the condition of each company; and, where a special examination has been made, a special written report shall be communicated to the Treasurer stating the Inspector's opinion of the condition and financial standing of the company, and all other matters desirable to be made known to the Treasurer. 50 V. c. 26, s. 140.

Entries,
untrue or
omitted.

142. Every director, officer, agent, or employee of a company who, knowingly, makes or assists to make any untrue entry in any of the company's books, or who refuses or neglects

to make any proper entry therein, or to exhibit the same or allow the same to be inspected and extracts to be taken therefrom shall be guilty of an offence, and, being convicted thereof, shall be imprisoned with or without hard labour in the Central Prison or any gaol of the Province, for a period not exceeding three months. 50 V. c. 26, s. 141.

Access to
books and
papers.

143.—(i) If it appears to the Inspector that the assets of any company are insufficient to justify its continuance of business, or unsafe for the public to effect insurance with it, he shall make a special report on the affairs of the company to the Treasurer.

Provision if
company ap-
pears unsafe.

(2) After full consideration of the report and a reasonable time being given to the company to be heard, and if, after such further inquiry and investigation (if any), as he may see proper to make, the Treasurer reports to the Lieutenant-Governor in Council that he agrees with the Inspector in the opinion expressed in his report, then, if the Lieutenant-Governor in Council also concurs in such opinion, an Order in Council may issue, suspending or cancelling the license of the company, and prohibiting the company from doing any further business, and thereafter it shall not be lawful for the company to do any further business in Ontario, until the suspension or prohibition is removed by the Lieutenant-Governor in Council. 50 V. c. 26, s. 142.

Suspending
license of com-
pany.

144. Notice of the suspension or cancelling of any license and prohibition from doing any further business, shall be published in the *Ontario Gazette*; and thereafter any person transacting any business in behalf of the company, except for winding up its affairs pursuant to section 7, shall be deemed to have contravened sections 55 and 56, and shall be liable for each offence to the penalty enacted in section 56. 50 V. c. 26, s. 143.

Notice of sus-
pension of
license.

145.—(1) If it appears to the Inspector that a company which has not been incorporated by special Act of the Legislature has assumed the name of a previously established company, or any name liable to be unfairly confounded therewith, or otherwise on public grounds objectionable, he shall make a report thereof to the Treasurer.

Company as-
suming name
of other com-
pany.

(2) And such name may, upon the written recommendation of the Inspector, be changed by the Lieutenant-Governor in Council, pursuant to section 20. 50 V. c. 26, s. 144.

146. In order to facilitate the inspection of an insurance company's books and papers the company may be required by the Inspector to produce the said books and papers at the county town of the county in which the head office of the insurance company is situated, or at such other convenient place as the Inspector may direct. 50 V. c. 26, s. 145.

Inspection of
books and
papers.

Examination
of company's
affairs.

147. Whenever the affairs of any insurance company doing business in Ontario appear to require the same, the Inspector of Insurance, with the approval of the Provincial Treasurer, may, at the expense of the company, have abstracts prepared of its books and vouchers and a valuation made of the assets and liabilities; and the certificate of the Inspector approved of by the Provincial Treasurer, shall be conclusive as to the expenses to be paid by the company in respect thereof. 50 V. c. 26, s. 146.

Inspector and
officers not to
be interested
in any com-
pany.

148. The Inspector of Insurance, or any officer under him shall not be interested as shareholders, directly or indirectly with any insurance company doing business in Ontario. 50 V. c. 26, s. 147.

Contribution
from com-
panies to
expenses.

149.—(1) Towards defraying the expenses of the office of the Inspector, a sum not exceeding \$3,000 shall be annually contributed by the companies required to be licensed under this Act.

Mode of deter-
mining the
amount of
contribution
to expenses.

(2) The amount to be annually contributed by the insurance companies under the provisions of the last preceding sub-section shall be assessed *pro rata* and based on the gross amount at risk as shewn by the books of the several companies on the 31st day of December next preceding.

Time and
manner of
payment.

(3) All sums under this Act payable to the Treasurer shall be so paid before the issue of the license, and the Treasurer's certificate, or approval of an account certified by the Inspector, shall as to the amount so payable by each or any company be held conclusive. 50 V. c. 26, s. 148.

Certified
copies of docu-
ments in in-
spector's
office.

150. A copy of any document in the office of the Inspector, certified by him to be a true copy and sealed with the seal of his office, shall be held to be authentic, and shall be *prima facie* evidence of the same legal effect as the original in any Court or elsewhere. 50 V. c. 26, s. 149.

LIQUIDATION AND WINDING UP OF COMPANIES

Voluntary
liquidation.

151. When a company proposes to go into voluntary liquidation, at least one month's notice in advance shall be given to the Treasurer and to the Inspector; the like notice shall also be published by the company in two consecutive issues of the *Ontario Gazette*, and in some other newspaper should the Inspector so require; and the notice shall state the date at which contracts shall cease to be taken by the company, also the name and address of the company's liquidator, or the intention of the company to apply on a stated day for the appointment of a liquidator. 50 V. c. 26, s. 150.

152.—(1) At the winding up of a mutual or cash-mutual fire insurance company, after notice has been given as required by section 51, it shall be lawful for the directors of said company to re-insure out of the reserve fund the unexpired contracts for which premiums or premium notes have been taken. Disposal of reserve at winding up of company.

(2) The said re-insurance shall be effected in some company licensed to transact business in the Province, and approved by the Treasurer. 50 V. c. 26, s. 151. Reinsuring companies.

153. When any company is wound up, each person contracted with on the cash plan shall be entitled to a refund from the company of the unearned proportion of the cash premium calculated from the date at which the company, according to the notice in section 151, ceased to undertake contracts; but this shall not destroy or defeat any other remedy such person may have against the company in respect thereof or for any other cause. 50 V. c. 26, s. 152. Unearned premiums.

154. Every receiver, assignee or liquidator of a company shall, until the affairs of the company are wound up and the accounts are finally closed, within seven days after the close of each month, file with the Court or other authority appointing him, and also with the Inspector of Insurance, detailed schedules shewing, in such form as may be required, receipts and expenditures, also assets and liabilities and he shall, whenever by the authority appointing him, or by the Inspector of Insurance, so required to do, exhibit the company's books, and vouchers, and furnish such other information respecting the company's affairs as may be required; and any receiver, assignee or liquidator refusing or neglecting to furnish such information, shall, for each offence, be subject to a penalty of not less than \$50 nor more than \$200, to be recovered on behalf of Her Majesty for the use of this Province; and he shall in addition render himself liable to be dismissed or removed. 50 V. c. 26, s. 153. Receiver to file statements.

155.—(1) The provisions of the statute passed in the 14th year of the reign of His Majesty King George the Third and chaptered 78, shall be deemed not to be in force in regard to property in this Province. Acts repealed.

(2) The Acts and portions of Acts mentioned in the Schedule hereto, are hereby repealed. 50 V. c. 26, s. 154.

SCHEDULE OF ACTS REPEALED.

| TITLE OF ACT. | Extent of Repeal. |
|--|--|
| R.S.O. 1877, c. 160, An Act respecting Insurance Companies | The whole except as mentioned in section 40 of this Act. |
| R.S.O. 1877, c. 161, An Act respecting Mutual Fire Insurance Companies | |
| R.S.O. 1877, c. 162, An Act to secure Uniform Conditions in Policies of Fire Insurance | The whole. |
| 41 V. c. 8, An Act to make certain amendments in the Revised Statutes | Section 17. |
| 42 V. c. 25, An Act to provide for the Inspection of Insurance Companies | The whole. |
| 43 V. c. 20, An Act respecting the Expenses of Inspecting Insurance Companies | The whole. |
| 44 V. c. 20, An Act to give increased stability to Mutual Fire Insurance Companies | The whole. |
| 45 V. c. 20, An Act to extend the application of the Fire Insurance Policy Act | The whole. |
| 46 V. c. 15, An Act relating to the Law of Insurance | The whole. |
| 47 V. c. 6, An Act respecting Securities vested in the Treasurer of the Province | The whole. |
| 47 V. c. 28, An Act respecting Supplementary Licenses to Mutual Fire Insurance Companies | The whole. |
| 48 V. c. 35, An Act to amend the Act respecting Mutual Fire Insurance Companies | The whole. |
| 48 V. c. 36, An Act to regulate the Election of Directors of Mutual Fire Insurance Companies | The whole. |

3. *LOAN SOCIETIES.*

CHAP. 168.—LOAN COMPANIES OUT OF ONTARIO, p. 1607.

“ 169.—BUILDING SOCIETIES, p. 1609.

CHAPTER 168.

An Act to authorize Corporations and Institutions incorporated out of Ontario to lend and invest moneys therein.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where any institution or corporation duly incorporated, under the laws of the Parliament of Great Britain and Ireland, or of the Dominion of Canada, for the purpose of lending or investing moneys, is authorized by its statute, charter or instrument of incorporation to lend money in this Province, such institution or corporation may apply for and receive a license from the Provincial Secretary authorizing it to carry on business within Ontario, to transact loaning business of any description whatever (except the business of banking) within Ontario, in its corporate name, and to take and hold mortgages of real estate, and railway, municipal or other bonds of any kind whatsoever, and on the security of which it may lend its money, and whether the said bonds form a charge on real estate within this Province or not, and also to hold such mortgages in its corporate name, and to sell and transfer the same at its pleasure, and in all respects to have and enjoy the same powers and privileges with regard to lending its moneys and transacting its business within this Province as a private individual might have and enjoy, so far as is within the legislative authority of this Province. Certain institutions incorporated by the Parliament of Great Britain or of Canada may receive a license to carry on business in Ontario. R. S. O. 1877, c. 163, s. 1.

2. The corporation shall sell or dispose of real estate to which it may acquire a title in fee simple by foreclosure or by the release of the equity of redemption therein, within five years from the date of the foreclosure or release, and any real estate which is not within the said period disposed of as hereinbefore required shall be forfeited to and become vested in the Crown. Property acquired to be re-sold within five years from acquisition. R. S. O. 1877, c. 163, s. 2.

Evidence
whereon
license may
issue.

3. The Provincial Secretary may, if he sees fit, issue such license as aforesaid on being furnished with evidence of the due incorporation of the company applying for the license under the laws of the Imperial Parliament of Great Britain and Ireland, or of the Dominion of Canada, which evidence shall be a certified copy of the charter, Act of incorporation, or articles of association of the company, and on being furnished with a power of attorney from the company to the person appointed to be the principal manager or agent of the company within this Province, under the seal of the company, and signed by the president or managing director and secretary thereof, and verified by the oath of an attesting witness expressly authorizing the manager or agent to apply for such license. R. S. O. 1877, c. 163, s. 3.

Fee for
license.

4. The fee to be paid by the company on the issuing of the license shall be such sum as may be fixed by the Lieutenant-Governor in Council. R. S. O. 1877, c. 163, s. 4.

Notice of
company be-
ing licensed.

5. Every company obtaining such license as aforesaid shall forthwith give due notice thereof in the *Ontario Gazette* and in at least one newspaper in the county, city or place where the principal manager or agent of the company in this Province transacts the business thereof, for the space of one month, and the like notice shall be given when the company ceases or notifies that it ceases to carry on business within this Province. R. S. O. 1877, c. 163, s. 5.

Charter of
company and
power of at-
torney to agent
in Ontario to
be filed with
Provincial
Secretary.

6. Every company obtaining such license as aforesaid shall, before the commencement of such business, file in the office of the Provincial Secretary a certified copy of the charter, Act of incorporation, or articles of association of the company, and also a power of attorney to the principal manager or agent of the company in this Province, signed by the president or managing director and secretary thereof, and verified as to its authenticity by the statutory declaration of the principal manager or agent of the company, or of any person cognizant of the facts necessary for its verification, which power of attorney shall expressly authorize the manager or agent, as far as respects business done by such manager or agent within this Province, to accept process in all actions and proceedings against the company in this Province for any liabilities incurred by the company therein, and shall declare that service of process on the manager or agent for such liabilities shall be legal and binding on the company to all intents and purposes whatever, and waiving all claims of error by reason of such service. R. S. O. 1877, c. 163, s. 6.

Service of
process on the
company.

7. After the certified copy of the charter and the power of attorney are filed as aforesaid, any process in any action or proceeding against the company for any liability incurred in

this Province may be served upon the manager or agent in the same manner as process may be served upon the proper officer of any company incorporated in this Province, and all proceedings may be had thereupon to judgment and execution in the same manner as in proceedings in any civil action in this Province. R. S. O. 1877. c. 164. s. 7.

CHAPTER 169.

An Act respecting Building Societies.

INTERPRETATION, s. 1.

INCORPORATION, s. 2.

RULES, ss. 3-11.

DIRECTORS AND OFFICERS, ss. 12-20.

EXTENSION OF BUSINESS INTO OTHER PROVINCES, ss. 21, 22.

DEBENTURE STOCK, ss. 23-30.

POWERS OF SOCIETY AND MEMBERS, ss. 31-51.

TRANSMISSION OF SHARES BY DEATH, ETC., ss. 47-49.

PERMANENT BUILDING SOCIETIES :

Within the Act, s. 52.

Rules and by-laws, ss. 53, 54.

Borrowing powers limited, s. 55.

Shares and shareholders, ss. 56-63.

Power to hold real estate, s. 64.

Society not bound to see to execution of trusts, s. 65.

Power to lend to persons not members, ss. 66, 67.

Power to borrow on debentures, ss. 68-71.

Powers of directors, ss. 72-74.

By-laws and documents how authenticated, s. 75.

Amalgamation of societies, ss. 76-81.

Auditors, appointment and remuneration, s. 82.

Directors' remuneration, s. 82.

Annual Statement, ss. 83-90.

Order staying business, ss. 87-90.

Changing name of society, s. 91.

Confirmation of proceedings under 37 V. c. 50 (D), s. 92.

APPLICATION OF ACT, s. 93.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned unless a contrary intention appears: Interpretation.

1 "Society" shall include and mean company, building society and institution established under the provisions and authority of this Act, or any former Act respecting building societies. R. S. O. 1877, c. 164, s. 1 (1); 47 V. c. 29, s. 7;

2 "Rules" shall include rules, orders, by-laws, and regulations; "Rules."

3 "Real Estate" shall extend and apply to immovable estate and property, generally; and "Real Estate."

"Securities."

4 "Securities" shall extend and apply to privileges, mortgages (equitable as well as legal), and incumbrances upon real and immovable estate, as well as to other rights and privileges upon personal estate and property. R. S. O. 1877, c. 164, s. 1 (2-4).

Societies how incorporated.

2.—(1) In case twenty or more persons agree to constitute themselves a building society, and execute, under their respective hands and seals, a declaration to that effect, and deposit the same with the clerk of the peace in the county in which they reside (who for receiving such deposit shall be entitled to a fee of fifty cents), such persons, and such other persons as afterwards become members of the society, and their several and respective executors, administrators and assigns, shall be a corporation, body corporate and politic, as a building society, by the name and style mentioned in the declaration, for raising by monthly or other periodical subscriptions of the several members of the society, in shares not exceeding the value of \$400 for each share (and in subscriptions not exceeding \$4 per month for each share), a stock or fund to enable each member to receive out of the funds of the society the amount or value of his shares therein, for the purpose of erecting or purchasing one or more dwelling house or houses, or other freehold or leasehold estate, or for any other purpose whatsoever, and the amount or value of the shares shall be secured to the society by mortgage or otherwise on real estate belonging to the member at the time of his borrowing money from the society, or on other real estate acquired by such member, until the amount or value of his shares, with the interest thereon, have been fully paid, together with all fines or liabilities incurred in respect thereof.

In forming a Society, the words "Building" or "Society" may be omitted.

(2) In constituting a building society under this Act it shall not be necessary that the declaration of agreement for that purpose, should use the word "Building" or the word "Society," or that the body incorporated under the Act should be designated by the use of either of such words. R. S. O. 1877, c. 164, s. 2.

Members of Society may make rules, etc., impose fines, etc.

3. The several members of the society may from time to time assemble together, and make such proper rules for the government of the same as the majority of members so assembled deem meet, so as such rules are not repugnant to the provisions of this Act, or any other law in force in Ontario; and they may impose and inflict such reasonable fines, penalties and forfeitures upon the several members of the society infringing such rules as the majority of the members think fit, and to be respectively paid to such uses, for the benefit of the society, as the society by the rules directs; and they may also from time to time amend or rescind the rules, and make new rules in lieu thereof, under such restrictions as are in this Act contained. R. S. O. 1877, c. 164, s. 3.

4. Every society shall, in or by one or more of its rules, declare the objects for which the society is intended to be established, and thereby direct the purposes to which the money from time to time subscribed to, received by and belonging to the society, shall be appropriated, and in what shares or proportions and under what circumstances any member of the society, or other person, may become entitled to the same or any part thereof. R. S. O. 1877. c. 164, s. 4.

Society by rules to declare objects of society and declare how moneys to be applied.

5. All the rules shall be complied with and enforced; and the moneys so subscribed to, received by or belonging to the society, shall not be diverted or misapplied either by the treasurer or directors, or any other officer or member of the society entrusted therewith, under such penalty or forfeiture as the society by any rule inflicts for the offence. R. S. O. 1877, c. 164, s. 5.

Moneys not to be misapplied under penalties.

6. The rules for the management of every society shall be recorded in a book to be kept for that purpose, and such book shall be open at all seasonable times for the inspection of the members. R. S. O. 1877, c. 164, s. 6.

Rules to be recorded in a book.

7. The rules so recorded shall be binding on the several members and officers of the society, and the several contributors thereto, and their representatives, and they shall be deemed to have full notice thereof by such record. R. S. O. 1877, c. 164, s. 7.

Entry of rules in book, notice to members.

8. The entry of the rules in the books of the society, or a true copy of the same, examined with the original and proved to be a true copy, shall be received as evidence thereof. R. S. O. 1877, c. 164, s. 8.

Examined copy of rules entered in book to be evidence.

9. The rules shall not, by *certiorari* or other legal process, be removed into any of Her Majesty's Courts of Record. R. S. O. 1877, c. 164, s. 9.

Rules not to be removed by *certiorari*.

10.—(1) No rule so recorded shall be altered or rescinded, unless at a general meeting of the members, convened by public notice written or printed, signed by the secretary or president of the society in pursuance of a requisition for that purpose made by not less than fifteen of the members, stating the objects for which the meeting is called, and addressed to the president and directors; and each member of the society shall, within fifteen days after such requisition, be notified through the post office of the proposed alterations.

Rules entered in book not to be altered except at a general meeting.

(2) It shall be lawful at any general meeting convened under this section for two-thirds of the shareholders there present in person, or by proxy, representing not less than one-half the amount paid up on investing shares, to alter, repeal or amend any of the rules or by-laws of the society. R. S. O. 1877, c. 164, s. 10.

Quorum of members for altering by-laws.

Rules to specify place for holding meeting.

11. The rules of the society shall specify the place or places at which it is intended that the society shall hold its meetings, and shall contain provisions with respect to the powers and duties of the members at large, and of the officers appointed for the management of its affairs. R. S. O. 1877, c. 164, s. 11.

Society from time to time to elect directors.

12. Every society shall, from time to time, elect and appoint any number of the members of the society to be a board of directors, the number and qualification thereof to be declared in the rules of the society, and may delegate to the directors all or any of the powers given by this Act to be executed. R. S. O. 1877, c. 164, s. 12.

Powers of directors to be declared by rules.

13. The powers of the directors shall be declared by the rules of the society, and they shall continue to act during the time appointed by the rules. R. S. O. 1877, c. 164, s. 13.

Powers of directors in certain cases to be recorded in books of society.

14. In case directors are appointed for a particular purpose, the powers delegated to them shall be reduced to writing and entered in a book by the secretary or clerk of the society. R. S. O. 1877, c. 164, s. 14.

Concurrence of majority of directors necessary.

15. The directors shall choose a president and vice-president, and they shall in all things delegated to them act for and in the name of the society, and the concurrence of a majority of the directors present at any meeting shall at all times be necessary in any act of the board. R. S. O. 1877, c. 164, s. 15.

Acts of directors to be binding.

16. All acts and orders of the directors, under the powers delegated to them, shall have the like force and effect as the acts and orders of the society at a general meeting. R. S. O. 1877, c. 164, s. 16.

Proceedings of directors to be entered in books of Society.

17. The transactions of the directors shall be entered in a book belonging to the society, and shall at all times be subject to the review, allowance and disallowance of the society, in such manner and form as the society by its general rules directs and appoints. R. S. O. 1877, c. 164, s. 17.

Directors to appoint officers.

18. The directors shall from time to time, at any of their usual meetings, appoint such persons as they think proper to be officers of the society, grant such salaries and emoluments as they deem fit, and pay the necessary expenses attending the management of the society; and shall from time to time when necessary appoint such persons as may be necessary for the purposes of the society, for the time and for the purpose expressed in the rules of the society, and may from time to time discharge such persons, and appoint others in the room of those who vacate, die or are discharged. R. S. O. 1877, c. 164, s. 18.

19. The secretary or treasurer or secretary-treasurer of any such society may be styled "Manager," and when the officer is also a director he may be styled "Managing Director." "Manager" and "Managing Director."
47 V. c. 29, s. 8.

20. Every officer or other person appointed to any office in anywise concerning the receipt of money shall furnish security to the satisfaction of the directors for the just and faithful execution of the duties of his office according to the rules of the society, and any person entrusted with the performance of any other service may be required by the directors to furnish similar security. Persons in service of Society to furnish security. R. S. O. 1877, c. 164, s. 19.

21. The directors of any society incorporated under this Act, or any Act consolidated herein, which shall under the authority of the Parliament of Canada, and of the Legislature of the Province in which it is proposed that the business of the society is to be carried on, pass a by-law authorizing its directors to extend the business of such society into any of the Provinces of the Dominion, may give effect to such by-law without being liable or responsible as for any breach of trust in so doing. Extension of business into various Provinces of the Dominion. 42 V. c. 26, s. 3.

22. In case any society or company, subject to the legislative authority of this Province, and incorporated under this Act, or any statute incorporated therewith, carries on business in any other Province than Ontario, the said corporation may pass a by-law authorizing the directors to invest the money of the corporation in the erection or purchase of buildings required for the occupation of the corporation, carrying on the business thereof in any place in which the corporation is so carrying on business, and within the limit, if any, authorized in that behalf, by the laws of such other Province. Purchase or erection of buildings required for use of company. 50 V. c. 27, s. 2.

23. The directors of any building, savings society, or loan company, incorporated under this Act, or any statute incorporated therewith, may issue debenture stock, which debenture stock shall be treated and considered as a part of the regular debenture debts of the society, and may be issued in such amounts and manner, on such terms and bearing such rate of interest, and in such currency as the directors, from time to time, think proper and convenient, but subject to the limitations as to borrowing provided by law, so that the amount received as money deposits and borrowed on the security of debentures, or debenture stock, shall not, in the whole exceed the aggregate amounts fixed by section 68 as the authorized limit of the borrowing powers of the society. Issue of debenture stock authorized. 49 V. c. 34, s. 2.

24. The debenture stock aforesaid, shall be entered by the society in a register to be kept for that purpose, wherein they shall set forth the names and addresses of the several persons and corporations, from time to time entitled thereto, with the Register of holders of debenture stock.

respective amounts of said stock to which they are respectively entitled, which registrar shall be accessible for inspection and perusal at all reasonable times to every holder of debenture stock; and such stock shall be transferable in such amounts and in such manner as the directors may determine. 49 V. c. 34, s. 3.

Rights of holders of debenture stock.

25. The society shall deliver to every holder aforesaid, a certificate stating the amount of debenture stock held by him and the rate of interest payable thereon, and the terms and conditions to which the said stock is subject; but no other rights or privileges shall be conferred on holders of debenture stock in respect thereof, than are held or enjoyed by holders of debentures of the society. 49 V. c. 34, s. 4.

Transfers of debenture stock may be made at any agency.

26. All transfers of debenture stock of the society shall be registered at the head office of the society, or at such place or places in Canada, Great Britain, or any foreign country, as the directors may appoint for that purpose. 50 V. c. 27, s. 1.

Exchange of debentures for debenture stock.

27. The holders of the debentures of the society may, with the consent of the directors, at any time exchange such debentures for debenture stock. 49 V. c. 34, s. 6.

Debenture stock to rank with debentures.

28. The debenture stock issued, or to be issued, under the authority of this Act, shall rank equally with the debentures issued or to be issued by the society. 49 V. c. 34, s. 7.

Right of society to buy up and cancel debenture stock.

29. A society having issued debenture stock, may from time to time, as they think fit, and for the interest of the society, but only with the consent of the holders thereof, buy up and cancel the said stock, or any portion thereof. 49 V. c. 34, s. 8.

Consent of shareholders required.

30. The power to issue debenture stock under the provisions of this Act shall not be exercised by the directors of any building or savings society or loan company, without the consent of the members or shareholders present, at any general meeting specially called for that purpose. 49 V. c. 34, s. 9.

Society may take and hold real estate mortgaged to it for certain purposes.

31. Every society may take and hold any real estate, or securities thereon, *bona fide* mortgaged or assigned to it either to secure the payment of the shares subscribed for by its members, or to secure the payment of any loans or advances made by, or debts due to the society, and may proceed on such mortgages, assignments or other securities, for the recovery of the moneys thereby secured, and generally may pursue the same course, exercise the same powers, and take and use the same remedies to enforce the payment of any debt or demand due to the society, as any person or body corporate may by law take or use for a like purpose. R. S. O. 1877, c. 164, s. 20.

32. A society incorporated under this Act, or under any former Act respecting building societies, shall have power and authority to sell, dispose of and assign mortgages given or made directly to it, in like manner as such society may, under the provisions of this Act, sell and assign mortgages purchased by it; and the assignee of any such mortgage shall stand in the place of, and be entitled to, and have all the same rights, powers and remedies, and shall be subject to the same obligations and liabilities, under, upon, or in respect to such mortgage as the society would have been entitled to have had or been subject to if the assignment thereof had not been made. 41 V. c. 7, s. 1.

Power to sell
mortgages
made to
Building So-
cieties.

Rights of
Assignee.

33. Any society may purchase mortgages upon real estate, debentures of any society or company incorporated under this Act, or any Act incorporated therewith, debentures of municipal corporations, or of public school corporations, or Dominion or Provincial stock or securities; and may re-sell any such securities as to it seems advisable, and for that purpose may execute such assignments or other instruments as may be necessary for carrying the same into effect; and any society may also, in conformity with the laws of Canada, make advances to any person or persons or body corporate upon any of the above mentioned securities at such lawful rates of discount or interest as may be agreed upon. R. S. O. 1877, c. 164, s. 21; 47 V. c. 29, s. 1.

Society may
purchase and
sell and lend
on certain
securities.

34. No shareholder shall be entitled to pay on account of his shares in advance of calls where such payments are prohibited by the by-laws of the society. 42 V. c. 26, s. 5.

Payment in
advance of
calls.

35. Every society may declare forfeited to the society the shares of a member who is in default, or who neglects to pay the number of instalments or monthly subscriptions fixed by any stipulation or by-law, and may expel such member from the society, and the secretary shall make a minute of the forfeiture and expulsion in the books of the society; or instead of such forfeiture and expulsion, the society may recover the arrears by action. R. S. O. 1877, c. 164, s. 22.

May forfeit
shares.

May expel
member.

May sue for
amount of
shares.

36. If the amount in arrear does not exceed \$40, the action may be brought in the Division Court of the Division wherein the office of the society is kept. R. S. O. 1877, c. 164, s. 23.

May sue in
Division
Court.

37. Except in the case of the withdrawal of a member, according to the rules of the society then in force, no member shall receive, or be entitled to receive, from the funds of the society any interest or dividend by way of annual or other periodical profit upon any share in the society until the amount or value of his share has been realized. R. S. O. 1877, c. 164, s. 24.

Except in
cases of with-
drawal, mem-
bers not to
receive profits
on share till
value of same
realized.

Society may receive bonus in addition to interest.

38. Every society may, besides interest, receive from any member a bonus on any share for the privilege of receiving the same in advance prior to the same being realized. R. S. O. 1877, c. 164, s. 25.

Society may sell real estate mortgaged in certain cases.

39. Where a society has received from a shareholder an assignment, mortgage or transfer of any real estate to secure the payment of any advances, and containing an authority to the society to sell the real estate in case of non-payment of any stipulated number of instalments or sum of money, and to apply the proceeds of the sale to the payment of the advances, interest and other charges due to the society, such stipulations and agreements shall be valid and binding, and the society may cause the same to be enforced by an action or proceeding in the High Court and in such action the county town of the county in which the lands (or some of them, if they be in more than one county,) lie, shall be named as the place of trial, and the action may be brought in the names of the president and treasurer of the society, describing them as such, or in the corporate name of the society. R. S. O. 1877, c. 164, s. 26.

Representatives of officer of society to deliver over papers and moneys after demand.

40. If a person appointed to an office by the society, and being entrusted with and having in his possession, by virtue of his office, moneys or effects belonging to the society, or deeds or securities relating thereto, dies or becomes bankrupt or insolvent, his legal representative, or other person having a legal right, shall, within fifteen days after demand made by the order of the directors of the society, or the major part of them, assembled at any meeting thereof, deliver over all things belonging to the society to such persons as the directors appoint. R. S. O. 1877, c. 164, s. 27.

Property of society vested in president and treasurer.

41. All real and personal estate, property and effects, and all titles, securities, instruments and evidences, and all rights and claims of or belonging to the society, shall be vested in the society. R. S. O. 1877, c. 164, s. 28.

President and Directors relieved of responsibility.

42. The president, vice-president and directors of the society, in their private capacity, shall be exonerated from all responsibility in relation to the liabilities of the society. R. S. O. 1877, c. 164, s. 31.

Rules to provide that secretary shall furnish annual statement of funds.

43. The rules of the society shall provide that the treasurer or other principal officer thereof shall, once at least in every year, prepare a general statement of the funds and effects of or belonging to the society, specifying in whose custody or possession such funds or effects are then remaining, together with an account of all sums of money received or expended by or on account of the society since the publication of the preceding periodical statement. R. S. O. 1877, c. 164, s. 32.

44. Every such periodical statement shall be attested by two or more members of the society, not being directors, appointed for that purpose, and shall be countersigned by the secretary or clerk of the society, and every member shall be entitled to receive from the society, without charge, a copy of the periodical statement. R. S. O. 1877, c. 164, s. 33.

Statement to be attested by auditors.

45. This Act shall, for all purposes, extend to aliens, denizens and females; and co-partners and corporate bodies may hold shares in any society incorporated under this Act. R. S. O. 1877, c. 154, s. 34.

Act to extend to aliens, &c.

46.—(1) A member of, or investor in, or depositor with any building society having a sum of money in the funds thereof not exceeding \$200, may from time to time nominate any person or persons (such person or persons being within the Statute of Distributions) as successor or successors at death of such member or depositor, provided that such nomination is made in writing, and duly deposited with the secretary or manager of the society; and upon receiving a statutory declaration of the death of the nominator, the society shall substitute the name of the nominee on its books in the place of the nominator, or may immediately pay to the nominee the amount due to the deceased member or depositor.

Member or investor in Building Society may nominate a successor.

(2) If any member, investor in, or depositor with the society having in the funds thereof a sum of money not exceeding \$200, dies intestate and without making such nomination, then the amount due shall be paid to the person who appears to the society to be entitled under the Statute of Distributions to receive the same without taking out letters of administration, upon the society receiving a statutory declaration of death and intestacy, and that the person so claiming is entitled, as aforesaid.

Disposition of funds of intestate member

(3) Where the society, after the decease of any member or depositor, has paid such sum of money to the person who at the time appeared to be entitled to the effects of the deceased, under the belief that he died intestate without having appointed any nominee, the payment shall be valid and effectual with respect to any demand, from any other person as next of kin or as the lawful representative of the deceased member or depositor, against the funds of the society; but nevertheless, the next of kin or representative shall have his lawful remedy for the amount of such payment as aforesaid against the person who has received the same. R. S. O. 1877, c. 164, s. 35.

When mistaken payments valid as against the society.

47. If the interest of any person in any share in the capital stock, or in any bond, debenture or obligation of any building society or loan and savings company, such bond, debenture or obligation not being payable to bearer, is transmitted in consequence of the death, or bankruptcy, or insolvency of such holder, or by other lawful means other

On transmission of shares by death, &c., the transferee must file declaration shewing nature of transmission.

than a transfer upon the books of the society, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the society, or to recognize such transmission in any manner until a declaration in writing, shewing the nature of such transmission, and signed and executed by the person or persons claiming by virtue of such transmission, and also executed by the former shareholder, if living and having power to execute the same, shall have been filed with the manager of the society and approved by the directors; and if the declaration, purporting to be signed and executed, shall also purport to be made or acknowledged in the presence of a notary public, or of a Judge of a Court of record, or of a mayor of any city, town or borough, or other place, or a British Consul or Vice-Consul, or other accredited representative of the British Government in any foreign country, the directors may, in the absence of direct actual notice of a contrary claim, give full credit to the declaration, and (unless the directors are not satisfied with the responsibility of the transferee) shall allow the name of the party claiming by virtue of the transmission to be entered in the books of the society. 47 V. c. 29, s. 4.

The transferee must also in certain cases file probate of will or certified extract from same, when directors may allow transfer.

48. If the transmission takes place by virtue of any testamentary act or instrument, or in consequence of an intestacy, the probate of the will or letters of administration, or testamentary, or other judicial or official document under which the title, whether beneficial or as trustee or the administration or control of the personal estate of the deceased shall purport to be granted by any Court or authority in the Dominion of Canada, or in Great Britain or Ireland, or any other of Her Majesty's dominions or in any foreign country, or an authenticated copy thereof or official extract therefrom, shall, together with the declaration, be produced and deposited with the manager, secretary, treasurer or other officer named by the Directors for the purpose of receiving the same, and such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, coupon, bond, debenture or obligation or share, or transferring or consenting to the transfer of any bond, debenture or obligation or share, in pursuance of and in conformity to such probate, letters of administration or other such document as aforesaid. 47 V. c. 29, s. 5.

When directors have reasonable doubts as to legality of claim they may take opinion of High Court.

49. Whenever the directors shall entertain reasonable doubts as to the legality of any claim to or upon such share or shares, bonds, debentures, obligations, dividends, coupons, or the proceeds thereof, then and in such case it shall be lawful for the society to file in the High Court a petition stating such doubts, and praying for an order or judgment adjudicating and awarding the said shares, bonds, debentures, obligations, dividends, coupons, or proceeds to the party or parties legally entitled to the same

and such Court shall have authority to restrain any action, or proceedings against the society, the directors or officers thereof, for the same subject matter, pending the determination of the petition; and the society, and the directors and officers thereof, shall be fully protected and indemnified by obedience to such order or judgment against all actions, claim and demands in respect of the matters which shall have been in question in such petition, and the proceedings thereupon; Provided always, that if the Court ^{Costs.} adjudges that such doubts were reasonable the costs, charges and expenses of the society in and about such petition and proceedings, shall form a lien upon such shares, bonds, debentures or obligations, dividends, coupons or proceeds, and shall be paid to the society before the society shall be obliged to transfer or assent to the transfer, or to pay such shares, bonds, debentures or obligations, dividends, coupons or proceeds to the party or parties found entitled thereto. 47 V. c. 29, s. 6.

50. In case of a sale of property mortgaged to the society, any surplus not exceeding \$200, over and above the amount due to the society and costs, derived from sale under ^{Disposition of proceeds of sale under mortgages.} power of sale of any property mortgaged to the society, and over and above any claim of an execution creditor as hereinafter provided, where the mortgagor or his assigns has or have died intestate, shall be personal property, whether the sale took place before or after the death of the mortgagor or person entitled to the equity of redemption; except that, in all such cases, the widow of the intestate shall be entitled to a third of such surplus absolutely in satisfaction of her dower, and the society shall have the like powers as to paying such surplus over without probate, or letters of administration, to the widow and next of kin, according to their respective interests, as is conferred by section 46 of this Act upon the society in case of depositors and members dying intestate. R. S. O. 1877, c. 164, s. 36.

51. Nothing in the preceding section shall prejudice the right of any execution creditor in respect of any right or lien ^{Rights of execution creditors.} he may have in respect of such surplus or any portion thereof to the amount of the execution in the hands of the sheriff. R. S. O. 1877, c. 164, s. 37.

PERMANENT BUILDING SOCIETIES.

52. Whereas under the Act passed in the ninth year of Her Majesty's reign, entitled *An Act to encourage the establishment of certain Societies, commonly called Building Societies, in that part of the Province of Canada formerly constituting Upper Canada*, certain building societies have been established ^{Permanent Societies having fulfilled certain conditions, declare to be within this Act,} called Permanent Building Societies, which have in a great

measure superseded those societies called Terminating Building Societies, and are conducted on more certain and equitable principles than the said Terminating Building Societies, by enabling persons to become members thereof at any time for investment therein, or to obtain the advance of their shares or share by giving security therefor, and to fix and determine with the said society the time when and amount at which such members shall repay such advanced share or shares, and obtain the release of the said security, without being liable to the contingency of losses or profits in the business of the said society; And whereas doubts had arisen as to whether such Permanent Building Societies were within the meaning and intention of the said recited Act; Therefore, any Permanent Building Society established under the said hereinbefore recited Act, and the Acts amending the same, or under chapter 53 of the Consolidated Statutes for Upper Canada, or chapter 164 of the Revised Statutes of Ontario, 1877, or which may hereafter be established under this Act, and conducted on the principle hereinbefore mentioned, which has fulfilled and observed or which fulfils and observes all the conditions necessary to be fulfilled and observed for the establishment of a building society under the said recited Acts, or under this Act (as the case may be), shall be and the same is hereby declared to be and to have been a building society within the meaning and intention of the said recited Acts and of this Act, and to be and to have been entitled to all the powers, benefits and advantages of the said recited Acts and of this Act; and any person who has signed the rules and regulations of such building society entered and recorded in a book, as in section 5 of the said recited Act, passed in the ninth year of Her Majesty's reign, and in section 13 of chapter 53 of the Consolidated Statutes for Upper Canada and in section 6 of the said Revised Statute and of this Act is required, and has subscribed his name as a shareholder for one or more shares, shall, from the time of such signature and subscription, be and be deemed to have been a member of such building society; and the production of the book containing the rules for the management of the society, kept as aforesaid, signed by such person and duly witnessed, shall, at all times and for all purposes, be sufficient evidence of membership in such building society. R. S. O. 1877, c. 164, s. 38.

And their subscribers to be members.

9 V. c. 90, s. 5; C. S. U. C. c. 53, s. 13; R. S. O. 1877, c. 164, s. 6.

Evidence of membership.

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How by-laws of Permanent Societies may be passed or amended.

53. Any permanent building society may alter, amend, repeal or create any regulation, rule or by-law for the working of the said society, at a public meeting of the members of the society, convened as is directed by section 10 of this Act, and at which public meeting one-third of the members of the society, entitled to vote by the rules of the society, and representing not less than two-thirds of the unadvanced stock of the society, do, either in writing under their hand or by a vote at such meeting, concur in the altera-

tion, amendment or repeal of the regulation, rule or by-law, or in the creation of any new rule, regulation or by-law. R. S. O. 1877, c. 164, s. 39.

54. Any member entitled to vote at any meeting of any permanent building society, held under the last preceding section, may be represented and vote by his proxy, such proxy being a member of the society. R. S. O. 1877, c. 164, s. 40. Members may vote by proxy

55. Except as provided in and subject to sections 68 to 71 inclusive, every society, by its rules, regulations and by-laws authorized to borrow money, shall not borrow, receive, take, or retain otherwise than in stock and shares in the society, from any person or persons, any greater sum than the amount of capital actually paid in on unadvanced shares, or on fixed and permanent capital, and invested in real securities by the society; and the paid in and subscribed capital of the society shall be liable for the amount so borrowed, received, or taken by any society. 47 V. c. 29, s. 2. Limitation of borrowing powers.

56.—(1) When any share or shares in any society have been fully paid up according to the rules of the society, or have become due and payable to the holder thereof, then and in such case the holder of the share or shares may either withdraw the amount of his share or shares from the society, according to the rules and regulations thereof, or invest the amount of his share or shares in the society, and receive therefrom periodically such proportion of the profits made by the society as may be provided for by a by-law to be passed for the purpose; and the amount of the share or shares so invested shall become fixed and permanent capital or shares in the society, not withdrawable therefrom, but transferable in the same manner as other shares in the society. Shareholders whose share paid up, may receive or invest the amount.

(2) Any share or shares may, at any time, be paid up in full and capitalized at once, as permanent stock, and such share or shares heretofore paid in full, or in part, shall be as valid as if the same had been paid by periodical or other subscription. As to paying up shares in full.

(3) No society established after the 31st day of December, 1877, shall borrow money or receive deposits until not less than \$100,000 of stock has been subscribed, and not less than \$40,000 has been actually paid thereon. R. S. O. 1877, c. 164, s. 42. As to borrowing money.

57. Such society may advance to members on the security of investing on unadvanced shares in the society, and may receive and take from any person or persons, or bodies corporate, real or personal security of any nature or kind whatever as collateral security for any advance made to members of the society. R. S. O. 1877, c. 164, s. 43. Advances on security of investing on unadvanced shares.

Directors may
close subscrip-
tion of shares.

58. The directors of such society at any time, and from time to time, as they may think expedient, may, by resolution, close for any specified time, or until further order, the subscription of shares to be held for investment in the society, and thereafter, until the expiration of such specified time, or until such further order, no new shares shall be subscribed for investment in the society. Such new issue of shares shall be allotted to the then existing shareholders *pro rata*, as nearly as possible without fractions; but in case the new shares are not taken up within thirty days, then the shares, or the remaining shares, shall be sold, and any premium thereon applied to the general benefit of the society. R. S. O. 1877, c. 164, s. 44.

Members may
determine at a
general or
special meet-
ing to close
subscription
of shares.

59. The members entitled to vote at any time may, by resolution to be passed at any special or general meeting (for which meeting notice of such intended resolution shall be duly given, according to section 10 of this Act), determine that no new shares shall thereafter be subscribed for investment in such society; and thereafter no new shares for investment shall at any time be subscribed therein, and the subscription of such shares shall cease for ever. R. S. O. 1877, c. 164, s. 45.

Shares to be
immediately
advanced
excepted.

60. Nothing done under the next preceding two sections of this Act shall have the effect of preventing such society from creating, as it otherwise might, any share or shares to be immediately advanced to the subscriber or subscribers thereof, or of preventing any person from subscribing, as he otherwise might, for any share or shares, in order immediately to obtain the advance thereof from the society by giving security therefor. R. S. O. 1877, c. 164, s. 46.

Subscribed
shares may be
determined
to be fixed
capital.

61. The members of such society entitled to vote may, at any time, by resolution to be passed at any special or general meeting (for which meeting notice of such intended resolution shall be duly given), determine that all shares thereafter subscribed for in the society shall be fixed and permanent capital and not liable to be withdrawn therefrom, and any share thereafter subscribed for in the society shall be fixed and permanent capital, and not withdrawable therefrom; such shares shall be transferable in such manner as the by-laws of the society may direct, but no such share shall be transferred while any call thereon is in arrear or until the same has been forfeited for non-payment of calls. 41 V. c. 7, s. 2.

Transfer of
shares.

Directors may
fix the amount
payable on
subscription
for shares and
premiums,
Calls.

62. The directors of such society may fix the amount to be paid on the subscription of such shares, and the premium (if any) which shall be paid thereon, and when the premium shall be payable, and it shall be in the discretion of the directors from time to time to call up the balance of any such shares at such time or times as they shall think best; and

such society may from time to time pay, notwithstanding Dividends. that such shares have not been paid in full, or the value thereof been realized, interest or dividend by way of annual or other periodical profits upon the amounts paid on such shares, and in all other respects, such shares shall be subject to the general provisions contained in this Act. 41 V. c. 7, s. 3.

63. No shareholder of such society shall be liable for Liability of or charged with the payment of any debt or demand due by shareholders the society, beyond the extent of his shares in the capital of limited. the society not then paid up. R. S. O. 1877, c. 164, s. 47. *See also* 37 V. c. 50, s. 2 (D).

64. Any society may hold absolutely real estate for the Power to hold purposes of or in connection with its place or places of real estate. business not exceeding the annual value of \$10,000. 42 V. c. 26, s. 4.

65. The society shall not be bound to see to the execution Society not of any trust, whether expressed, implied or constructive, to bound to see which any share or shares of its stock, or to which any deposit to execution or any other moneys payable by or in the hands of such of trusts or society, may be subject; and the receipt of the party or parties application of in whose name such share or shares or moneys stand in moneys paid the books of the society, shall, from time to time, be sufficient on receipt, discharge to the society for any payment of any kind made in etc. respect of such share or shares or moneys, notwithstanding any trust to which the same may then be subject, and whether or not the society has had notice of such trust; and the society shall not be bound to see to the application of the money paid upon such receipt. R. S. O. 1877, c. 164, s. 49. *See also* 37 V. c. 50, s. 10 (D).

66. The society may lend money in conformity with the Society may laws of Canada and with the laws authorizing the establish- lend money to ment of building societies in Ontario, and with the by-laws of others than its such society, to any person or persons or body corporate, at such members. lawful rates of interest as may be agreed upon, without requiring any of the borrowers to become subscribers to the stock, or members of the society: but all borrowers from the society Proviso as to shall be subject to all the rules of the society in force at the rules affecting time of their becoming borrowers, but not to any other rules. borrowers. R. S. O. 1877, c. 164, s. 50. *See also* 37 V. c. 50, s. 3 (D).

67. The principal money so advanced on mortgages may be Repayment repaid by means of a sinking fund of not less than two per and recovery centum per annum, within such time as the society directs of money, and appoints, and as is specified in the mortgage or assign- advanced and ment of mortgage to be made of such real estate, and by means interest of such revenues, rates, rents, tolls or profits as hereinafter men- thereon. tioned; and the society may do all acts that may be necessary

for advancing money, and for recovering and obtaining repayment thereof, and for enforcing payment of all interest accruing therefrom, or any conditions attached to such advance or any forfeiture consequent on the non-payment thereof, and give all necessary and proper receipts, acquittances and discharges for the same, and do, authorize and exercise all acts and powers whatsoever requisite or expedient to be done or exercised in relation to the said purposes. R. S. O. 1877, c. 164, s. 51. *See also* 37 V. c. 50, s. 5 (D).

Power to
borrow on
debentures.

68.—(1) The board of directors of any such society having a paid-up capital of not less than \$100,000 in fixed and permanent stock, not liable to be withdrawn therefrom, may issue debentures of the society to such an amount as, with all the other liabilities of the society, shall be equal to double the amount of the paid up, unimpaired, fixed, and permanent capital or shares not liable to be withdrawn therefrom, together with a further sum which may be equal to but shall not exceed the amount unpaid upon the subscribed, fixed, and permanent capital upon which not less than twenty per cent. has been paid; provided, that in no case shall the total liabilities to the public exceed three times the amount paid upon fixed and permanent shares in the society; provided that nothing in this Act contained shall in any way impair or affect the validity of any debentures issued before the 24th day of March, 1884, by any such society pursuant to the provisions of any Act in that behalf. 47 V. c. 29, s. 3.

Proviso.

Proviso.

Liabilities
not to exceed
their mort-
gages.

Liabilities and
principal on
mortgages,
how estimated.

(2) The total liabilities of the society shall not at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by the society; and in estimating the liabilities of the society, the amount of cash actually in the hands of the society, or deposited in any chartered bank, shall be deducted therefrom; and in ascertaining the principal remaining unpaid on the mortgages held by such society, it shall be incumbent upon the society to compute or discount such mortgages at rates of interest at least equal to the rates which they respectively bear or were originally calculated to yield.

Deductions to
be made in
estimating the
paid up
capital.

(3) All loans or advances by a society, to its shareholders upon the security of their stock, shall be deducted from the amount of paid-up capital upon which the society is authorized to borrow. R. S. O. 1877, c. 164, s. 52 (2, 3). *See also* 37 V. c. 50, s. 6 (D).

Interpreta-
tion.

(4) In this section the words "liabilities of the society," or "total liabilities of the society," shall be taken to mean and are hereby declared to mean only the liabilities of any such society to the public, and shall not include the liability of any such society to its shareholders as such in respect of its capital stock, or otherwise. 42 V. c. 26, s. 2

69. The reserve fund of a society shall consist of surplus profits and assets, after full and ample provision has been made for all bad and doubtful debts, and other known contingent deductions. *R. S. O. 1877, c. 164, s. 53.* Reserve Fund.

70. The debentures of the society shall be for such sums, not being less than \$100, and in such currency as the board of directors may deem advisable, and shall be payable not less than one year from the issue thereof at such place as may be therein mentioned, and may be in the form of the Schedule to this Act, or to the like effect. *R. S. O. 1877, c. 164, s. 54. See also 37 V. c. 50, s. 6 (D).* Amount and form of debentures.

71. In case a society which has heretofore issued debentures under the Act passed in the 39th year of Her Majesty's reign, and chaptered 32, desires to avail itself of the increased borrowing powers hereinbefore conferred, it shall be the duty of the board of directors of the society to leave at the place where such debentures are payable, a copy of sections 68 to 71 inclusive, of this Act, and a printed notice directed to the holders of such debentures, that the society intends to avail itself of the provisions of the said sections, and thereupon such debenture holder shall within six months thereafter, have the right, after giving six months' notice in writing, to demand and, on presentation of his debentures and coupons, to receive payment of such debentures with interest up to the time of payment; such notice in writing to be left and presentation for payment to be made at the place where such debentures are payable. *R. S. O. 1877, c. 164, s. 55.* Notice of intention of society to avail itself of the increased borrowing powers.

72.—(1) The directors of any permanent building society incorporated under this Act, or under any other Act respecting building societies within the legislative authority of the Legislature of this Province, may from time to time, alter, amend, repeal or create any regulation, rule or by-law for the working of any such society. Directors may make or amend by-laws, etc.

(2) The action of the directors shall not have a binding force until confirmed at a general meeting of the shareholders of the society upon a vote of two-thirds of the capital stock represented at the meeting, notice being given of the proposed changes, in the notice calling the meeting. Confirmation by shareholders.

(3) At such general meeting the shareholders may, by a like vote, alter or amend such proposed regulations, rules or by-laws, and may confirm the same as so altered and amended. *R. S. O. 1877, c. 164, s. 56. See also 37 V. c. 50, s. 1 (D).* Alteration at general meeting.

(4) At all meetings of shareholders of the society the shareholders shall have one vote for each share held by them respectively. *R. S. O. 1877, c. 164, s. 66 (2, part).* Scale of votes.

Powers of
directors of
society.

73. The president, vice-president and directors of a permanent building society, incorporated as aforesaid, shall have and exercise the powers, privileges and authorities set forth and vested in them by this Act and any other Act regulating such society, subject to the rules or by-laws of the society; and they shall be subject to and be governed by such rules, regulations and provisions as are herein contained with respect thereto and by the by-laws of the society; and the directors shall and may lawfully exercise all the powers of the society, except as to such matters as are directed by law to be transacted by a general meeting of the society. R. S. O. 1877, c. 164, s. 57. *See also* 37 V. c. 50, s. 8 (D).

Powers of
directors.

74. The directors may use and affix, or may cause to be used and affixed, the seal of the society to any document or paper which in their judgment may require the same; they may make and enforce the calls upon the shares of the respective shareholders; they may declare the forfeiture of all shares on which such calls are not paid; they may make any payments and advances of money they may deem expedient which are authorized to be made by or on behalf of the society, and enter into all contracts for the execution of the purposes of the society, and for all other matters necessary for the transaction of its affairs; they may generally deal with, treat, sell and dispose of the lands, property and effects of the society, for the time being, in such manner as they deem expedient and conducive to the benefit of the society, as if the same lands, property and effects were held and owned according to the tenure and subject to the liabilities, if any, from time to time affecting the same, not by a body corporate, but by any of Her Majesty's subjects being of full age; they may do and authorize, assent to or adopt, all acts required for the due exercise of any further powers and authorities which may hereafter be at any time granted to the society by the Legislature for the performance and fulfilment of any conditions or provisions from time to time prescribed by the Legislature in giving such further powers and authorities, or in altering or repealing the same respectively or any of them. R. S. O. 1877, c. 164, s. 58. *See also* 37 V. c. 50, s. 8 (D).

By-laws and
documents of
society, when
authentic and
prima facie
evidence.

75. All by-laws of such society shall be reduced to writing, and shall have affixed thereto the common seal of the society, and any copy or extract therefrom, certified under the signature of the secretary or manager, shall be evidence in all civil Courts of Justice in Ontario of such by-laws or extracts from them, and that the same were duly made and are in force; and in any civil action or proceeding it shall not be necessary to give any evidence to prove the seal of the society, and documents purporting to be sealed with the seal of such society, attested by the president, treasurer or

manager thereof, shall be held *prima facie* to have been duly sealed with the seal of the society. R. S. O. 1877, c. 164, s. 59. See also 37 V. c. 50, s. 9 (D).

76. A permanent building society incorporated as aforesaid may unite, amalgamate and consolidate its stock, property, business and franchises with the stock, property, business and franchises of any other building, saving or loan society, incorporated or chartered as aforesaid, and may enter into all contracts and agreements therewith necessary to such union and amalgamation. R. S. O. 1877, c. 164, s. 60.

Amalgamation of societies.

77. The directors of the two societies proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement, under the corporate seals of each of the said corporations, for the amalgamation and consolidation of the said corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the directors and other officers thereof, and who shall be the first directors and officers thereof and their places of residence, the number of shares of the capital stock, the amount of par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation, and how, and when, and for how long directors and other officers of the new corporation shall be elected, and when elections shall be held,—with such other details as they deem necessary to perfect the new organization and the consolidation and amalgamation of the said corporations, and the after management and working thereof. R. S. O. 1877, c. 164, s. 61.

Joint agreement between directors proposing to amalgamate, etc.

78. The agreement shall be submitted to the shareholders of each of the said societies at a meeting thereof to be held separately for the purpose of taking the same into consideration; notice of the time and place of the meetings and the object thereof shall be given by written or printed notices, addressed to every shareholder of the said societies respectively at his last known post office address or place of residence, and also by a general notice to be published in a newspaper published at the chief place of business of each of such societies once a week for two successive weeks. R. S. O. 1877, c. 164, s. 62.

To be submitted to shareholders of each society for consideration.

79. At such meetings of shareholders, the agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same, and each share shall entitle the holder thereof to one vote, and the ballots shall be cast in person or by proxy; and if two-thirds of the votes of all the shareholders of each of such corporations are for the adoption of the agreement, then that fact shall be certified upon the agreement by the secretary of each of such corporations

Vote by ballot to be taken.

Agreement, if adopted, to be filed with Provincial Secretary.

under the corporate seals thereof; and if the agreement is so adopted at the respective meetings of the shareholders of each of the said corporations, the agreement so adopted and the certificates thereon shall be filed in the office of the Provincial Secretary, and the agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the said societies, and a copy of the agreement so filed, and of the certificates thereon, properly certified, shall be evidence of the existence of such new corporation. R. S. O. 1877, c. 164, s. 63.

Upon completion of consolidation, the new corporation to possess rights, powers, etc., and be subject to duties, etc., of each of united societies.

80. Upon the making and perfecting of the agreement and act of consolidation, as provided in the next preceding section, and the filing of the said agreement as in the said section provided, the several societies, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided, with a common seal, and shall possess all the rights, privileges, and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united, except as herein otherwise provided. R. S. O. 1877, c. 164, s. 64.

All property and rights vested in new corporation without further act or deed.

81.—(1) Upon the consummation of such act of consolidation as aforesaid, all and singular the business, property, real, personal and mixed, and all rights and interests appurtenant thereto, all stock, mortgages or other securities, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed.

Proviso, as to rights of creditors, etc., of either of corporations.

(2) All rights of creditors and liens upon the property of either of such corporations shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it.

Proviso as to actions against.

(3) No action or proceeding, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding, such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof. R. S. O. 1877, c. 164, s. 65.

Auditors and directors, their appointment, remuneration, etc.

82.—(1) The appointment and removal of the auditors of the society, and the determination as to the remuneration of the directors and of the auditors, shall be exercised at general meetings of the society: and the auditors need not be shareholders.

(2) In case of the death, or failure to act, of any such auditor, the directors may appoint an auditor in his place. R. S. O. 1877, c. 164, s. 66 (*1, 2 part.*).

83. The society shall, on or before the first day of March in each year, transmit to the Provincial Treasurer a full and clear statement of the society's assets and liabilities on some day to be stated therein, and such day shall not be more than twelve months prior to the said first day of March, or earlier than the end of the last preceding financial year, and such statement shall contain, in addition to such other particulars as the Provincial Treasurer may require, the following:

Annual statement of assets and liabilities.

- (a) The amount of stock subscribed;
 - (b) The amount paid in upon such stock;
 - (c) The amount borrowed for the purposes of investment and the securities given therefor;
 - (d) The amount invested and secured by mortgage deeds;
 - (e) The amount of mortgages payable by instalments;
 - (f) The number and aggregate amount of mortgages upon which compulsory proceedings have been taken during the past year;
 - (g) The present cash value of the society's investments on mortgages and other securities, and the rate or rates per cent. at which the future repayments are discounted in ascertaining such present cash value; which rate or rates shall be at least equal to the rate or rates which the mortgages or other securities respectively bear, or were originally calculated to yield.
- 43 V. c. 21, s. 4, *part.*

84. The statement shall be attested by affidavit (taken before some Justice of the Peace, or Commissioner for taking affidavits in the High Court) of two persons, one being the president, vice-president, manager or secretary, and the other the manager, secretary or auditor of the society, each of whom shall swear distinctly that he holds such office as aforesaid, that the statement has been prepared by the proper officers of the company, that the deponent believes that it has been prepared with due care, and that he believes it to be true in every particular; and the statement shall be published by the Provincial Treasurer in such manner as he thinks most conducive to the public good; and for any neglect to transmit the statement in due course of post, within five days after the day upon which the same should be transmitted, the society shall incur a penalty of \$50 per diem, but not exceeding in the whole \$1,000. 43 V. c. 21, s. 4, *part.*

Statement to be attested by oath, and to be published.

85. If the statement is not transmitted within one month after the said first day of March, or if it appears by the statement that the society is not in a condition to justify its continuance in business with the powers theretofore possessed by

If statement not transmitted, or if it shews that the society is not

in a proper condition, power to borrow may be stayed.

the society, the Provincial Treasurer may, under the authority of, or by order of the Lieutenant-Governor in Council, by a notice in the *Ontario Gazette*, declare the business of such society to have ceased, so far as regards borrowing money and any other matters mentioned in the order in Council and notice aforesaid. 43 V. c. 21, s. 4, *part*.

Extension of time for making return.

86.—(1) If any officer of a society when called upon to attest the statement required under this Act, finds himself unable to make the required affidavit of attestation on account of his having doubts as to the correctness of the statement presented to him for attestation, and further time is needed in order to permit of an examination of the items making up such statement, then, upon application of such officer, or of any one on his behalf, or on behalf of the society made at any time before the 6th day of March of the proper year, the Treasurer of Ontario may enlarge the time for transmitting such statement to a day not later than the 1st day of May of such year, and the day so fixed by the Treasurer shall thereupon become the day within five days of which the said statement, attested as required by this Act, shall be transmitted by the society to the Treasurer of Ontario, under the like penalties, in case of omission to make the same within such time, as if such day had been inserted in sections 83 and 84, in lieu of the 1st day of March; Provided that the said enlargement of time shall not prevent proceedings being taken under section 85 of this Act if the Lieutenant-Governor in Council shall so order. 43 V. c. 21. s. 6 (1).

Proviso.

Business may be stayed by the Provincial

Treasurer on examination and report of false statement, or bad condition of or refusal to show books.

87. If the Provincial Treasurer, in any case, suspects the statement to be wilfully false, he may depute some competent person to examine the books and enquire into the affairs of the society and to report to him on oath; and if by the report it appears that the statement was wilfully false, or that the society is not in a condition to justify its continuance in business, with the powers theretofore possessed by the society, or if the person so deputed reports on oath, sworn as aforesaid, that he has been refused such access to the books, or such information as would enable him to make a sufficient report, the Treasurer may, under the authority as aforesaid, by notice in the *Ontario Gazette*, declare the business of the society to have ceased, as in section 85 provided for. R. S. O. 1877, c. 164, s. 70.

Actions brought subsequent to receipt of statement by Treasurer not to be maintained.

Proviso.

88. No action brought against any society for any failure to comply with the provisions of sections 83 to 86, shall be maintained if the action was or is commenced at any time subsequent to the receipt by the Treasurer of the statement and attestation required by this Act, unless the action is brought by the Crown, or by the Attorney-General of Ontario suing on behalf of the Crown. 43 V. c. 21, s. 2.

89. The provisions of sections 83 and 84 of this Act shall not be held to apply to a society which has ceased, or shall have ceased, to carry on business prior to the year for which the return is or was required, nor to a society which, though incorporated, never carried on business; and upon its being proved that a society did not loan any money, or receive any deposit, or issue any debenture, during the year for which it is alleged a return in accordance with such sections has not been made, the society shall be deemed to have ceased to carry on business within the meaning of this section. 43 V. c. 21, s. 3.

Statement not required in case society has ceased to do business.

90. In any of the cases in which discretionary power is given to declare the business of the society to have ceased, the Treasurer may before so doing give notice to the society and afford the same an opportunity of making any explanation it may be advisable to make; and all expenses attending such periodical statements and the publication thereof shall be borne by the society. R. S. O. 1877, c. 164, s. 71.

Notice by Treasurer of intent to stay business of Society.

91.—(1) Upon the name of a society being changed under *The Act Respecting the Changing of the Names of Incorporated Companies*, the society shall obtain from the Provincial Secretary a certificate of the change having been made, and shall file the same in the office of the Clerk of the Peace of the county with whom is filed the declaration constituting the society; the clerk shall, upon payment by the society of a fee of \$1 therefor, indorse a copy of the certificate upon the declaration; the society shall (under a penalty of \$200 in case of default), within one month after the insertion in the *Ontario Gazette* of the notice of the change of name, cause the certificate to be filed, and require the indorsement to be made as aforesaid.

Procedure on change of name.
Rev. Stat. c. 178.

(2) The Lieutenant-Governor in Council may establish the fees to be paid on applications for change of name under this Act. R. S. O. 1877, c. 164, s. 74.

92. Every debenture, mortgage, bond, deed, agreement or other instrument executed by or to any building society, and every other act, deed, matter or thing done in pursuance of the provisions of an Act passed in the Session held in the thirty-seventh year of Her Majesty's reign, by the Parliament of the Dominion of Canada, and intituled *An Act to make further provision for the management of Permanent Building Societies carrying on business in the Province of Ontario*, and every rule made thereunder, shall be as valid and effectual as if this Act had been passed on the 26th day of May, 1874, and such debenture, mortgage, bond, deed, agreement or other instrument had been executed, or such other act, deed, matter or thing had been done or rule made by virtue thereof; and all changes in the corporate name of any existing building society incorporated as aforesaid, heretofore

Confirmation of all acts done under 37 V. c. 50 (Dom.)

Change of name confirmed.

4. RAILWAY COMPANIES.

CHAP. 170.—GENERAL RAILWAY ACT, p. 1663.

“ 171.—STREET RAILWAY ACT, p. 1685.

CHAPTER 170.

An Act respecting Railways.

PART FIRST.

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| INTERPRETATION, ss. 2, 3. | PRESIDENT AND DIRECTORS, s. 34. |
| APPLICATION OF ACT, ss. 4-7. | CALLS ON STOCK, s. 35. |
| INCORPORATION, s. 8. | DIVIDENDS, s. 36. |
| POWERS, s. 9. | SHARES AND THEIR TRANSFER, s. 37. |
| PLANS AND SURVEYS, s. 10. | SHAREHOLDERS, s. 38. |
| LANDS AND THEIR VALUATION, ss. 11-20. | MUNICIPALITIES TAKING STOCK, s. 39. |
| Mines, ss. 21-28. | BY-LAWS, NOTICES, ETC., s. 40. |
| HIGHWAYS AND BRIDGES, s. 29. | WORKING OF THE RAILWAY, s. 41. |
| FENCES, s. 30. | ACTIONS FOR INDEMNITY AND FINES AND PENALTIES, ss. 42, 43. |
| TOLLS, s. 31. | GENERAL PROVISIONS, s. 44. |

PART SECOND.

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| APPLICATION OF SECTIONS, s. 45. | APPOINTMENT OF CONSTABLES, ss. 81-86. |
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| TRAFFIC ARRANGEMENTS, ss. 77-80. | |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as “*The Railway Act of Ontario.*” Short title.
R. S. O. 1877, c. 165, s. 1.

INTERPRETATION.

Interpretation
of words.

2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:

"The Special
Act."

1. "The Special Act" shall be construed to mean any Act authorizing the construction of a railway, and with which this Act is incorporated;

"Prescribed."

2. "Prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same is prescribed or provided for in the special Act; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the special Act" had been used;

The "Lands."

3. "The Lands" shall mean the lands which by the special Act are authorized to be taken or used for the purpose thereof;

"The under-
taking."

4. "The Undertaking" shall mean the railway and works, of whatever description, by the special Act authorized to be executed. R. S. O. 1877, c. 165, s. 2; 47 V. c. 30, s. 10.

Interpretation
of words in
this Act and
in Special
Acts.

3. Where the following words occur, both in this and the special Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:

"Lands."

1. "Lands" shall include all real estate, messuages, lands, tenements and hereditaments of any tenure;

"Lease."

2. "Lease" shall include any agreement for a lease;

"Toll."

3. "Toll" shall include any rate or charge or other payment payable under this Act or the special Act, for any passenger, animal, carriage, goods, merchandise, articles, matters or things conveyed on the railway;

"Goods."

4. "Goods" shall include things of every kind conveyed upon the railway, or upon steam or other vessels connected therewith;

"County."

5. "County" shall include any union of counties, county, or riding; "District and County Court Judge" shall include a Judge of a District Court;

"Highways."

6. "Highways" shall mean all public roads, streets, lanes, and other public ways and communications;

"Sheriff."

7. "Sheriff" shall include under sheriff, or other legal competent deputy; and where any matter in relation to any lands is required to be done by any sheriff or clerk of the peace, the expression "the sheriff," or the expression "clerk of the peace," shall in such case be construed to mean the sheriff or clerk of the peace of the district, county, riding, division or place where such lands are situate; and if the lands in question, being the property of one and the same party, are situate not wholly in one district, county, riding, division, or

"Clerk of the
Peace."

place, the same expression shall be construed to mean the sheriff or clerk of the peace of any such district, county, riding, division or place where any part of such lands are situate ;

8. "Justice" shall mean Justice of the Peace acting for the "Justice." district, county, riding, division, city or place where the matter requiring the cognizance of a justice arises, and who is not interested in the matter ; and where the matter arises in respect of lands being the property of one and the same party, situate not wholly in any one district, county, riding, division, city or place, the word "Justice" shall mean a justice acting for the district, county, riding, division, city or place where any part of such lands are situate, and who is not interested in such matter ;

9. "Owner," (where, under the provisions of this Act or the "Owner." special Act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of any such owner) shall be understood to mean any corporation or person who, under the provisions of this Act, or the special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company ;

10. "The Company" shall mean the company or party "The Com authorized by the special Act to construct the railway ; pany."

11. "The Railway" shall mean the railway and works by "The Rail- the special Act authorized to be constructed ; way."

12. "Clause" shall mean any separate section of this Act, or "Clause." of any other Act therein referred to, distinguished by a separate number ;

13. "Shareholder" shall mean every subscriber to or holder "Share- of stock in the undertaking, and shall extend to and include holder." the personal representatives of the shareholder. R. S. O. 1877, c. 165, s. 3.

PART FIRST.

APPLICATION OF ACT.

4. Where not otherwise expressed, this and the following sections to section 44 inclusive, shall apply to every rail- Application of way which is subject to the Legislative authority of the Legis- Act. lature of this Province and has been authorized to be constructed by any special Act of the late Province of Canada or of this Province, passed since the 30th day of August, 1851, or is

authorized to be constructed by any special Act passed after this Act takes effect: and this Act shall be incorporated with every such special Act; and all the clauses and provisions of this Act, unless they are expressly varied or excepted by such special Act, shall apply to the undertaking authorized thereby, so far as applicable to the undertaking, and shall, as well as the clauses and provisions of every other Act incorporated with such special Act, form part of such special Act, and be construed together therewith as forming one Act. R. S. O. 1877, c. 165, s. 4.

What shall be sufficient in making an incorporation of this Act with Special Acts.

5. Every special Railway Act shall be a public Act, and for the purpose of incorporating this Act or any of its provisions with a special Act, it shall be sufficient in such Act to enact, that the clauses of this Act, with respect to the matter so proposed to be incorporated, referring to the same in the word or words at the head of and introductory to the enactment with respect to such matter, shall be incorporated with the special Act, and thereupon all the clauses and provisions of this Act, with respect to the matter so incorporated, shall, save in so far as they are expressly varied or excepted by the special Act, form part thereof, and the special Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which the special Act relates. R. S. O. 1877, c. 165, s. 5.

Power to construct railway etc., to be exercised subject to provisions of this Act.

6. The power given by the special Act to construct the railway, and to take and use lands for that purpose, shall be exercised subject to the provisions and restrictions contained in this Act. R. S. O. 1877, c. 165, s. 6.

Compensation to be made for lands damaged.

7.—(1) For the value of lands taken, and for all damages to lands injuriously affected by the construction of the railway, in the exercise of the powers by this or the special Act, or any Act incorporated therewith, vested in the company, compensation shall be made to the owners and occupiers of, and to all other persons interested in any lands so taken or injuriously affected.

How compensation to be determined.

(2) Unless otherwise specially provided by this Act or the special Act, the amount of such compensation shall be ascertained and determined in the manner provided by this Act. R. S. O. 1877, c. 165, s. 7.

INCORPORATION.

Companies established under Special Acts, declared to be bodies corporate, etc.

8. Every company established under a special Act shall be a body corporate under the name declared in the special Act, and shall be invested with all such powers, privileges and immunities as are necessary to carry into effect the intentions and objects of this Act and of the special Act therefor, and are incident to such corporation, or are expressed or included in *The Interpretation Act*. R. S. O. 1877, c. 165, s. 8.

Reg. Stat. c. 1, s. 8 (25).

POWERS.

9. The company shall have power and authority—

Powers :

1. To receive, hold and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the railway, but the same shall be held and used for the purpose of such grants or donations only ; To receive grants of land etc. :
2. To purchase, hold and take of any corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the railway, and also to alienate, sell or dispose of the same ; Purchase land :
3. The railway company shall not take possession of, use or occupy any lands belonging to the Province, without the consent of the Lieutenant-Governor in Council : but with such consent such company may take and appropriate for the use of their railway and works, but not alienate, so much of the wild lands of the Province lying on the route of the railway as have not been granted or sold, and as may be necessary for the railway, as also so much of the public beach or of the land covered with the waters of any lake, river, stream or canal, or of their respective beds, as is necessary for making and completing and using their said railway and works ; Occupy public lands, beaches, etc.
4. To make, carry or place the railway across or upon the lands of any corporation or person on the line of the railway, or within the distance from such line stated in the special Act, although through error or other cause the name of such party has not been entered in the book of reference hereinafter mentioned, or although some other party has been erroneously mentioned as the owner of or entitled to convey, or is interested in, such lands ; Carry railway across lands of corporations, and others :
5. To construct, maintain, and work the railway across, along or upon any stream of water, water course, canal, highway or railway which it intersects or touches ; but the stream, water course, highway, canal or railway so intersected or touched, shall be restored by the company to its former state, or to such state as not to impair its usefulness ; but this shall not authorize the obstruction of the navigation of any navigable water ; And across or along streams etc.
6. To make, complete, alter and keep in repair the railway, with one or more sets of rails or tracks to be worked by the force and power of steam, or of the atmosphere, or of animals, or by mechanical power, or by any combination of them ; Complete Railway with one or more tracks, etc. :
7. To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to purchase and Erect necessary buildings, wharves, etc.

acquire stationary or locomotive engines and carriages, waggon, floats and other machinery and contrivances necessary for the accommodation and use of the passengers, freight and business of the railway ;

Branch Rail-
ways ;

8. To make branch railways, if required and provided by the special Act, and to manage the same, and for that purpose to exercise all the powers, privileges and authorities necessary therefor, in as full and ample a manner as for the railway ;

All other mat-
ters and things
necessary for
railway ;

9. To construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the railway, in pursuance of and according to the meaning and intent of this Act, and of the special Act ;

Convey per-
sons and goods
on railway ;

10. To take, transport, carry and convey persons and goods on the railway, to regulate the time and manner in which the same shall be transported, and the tolls and compensation to be paid therefor, and to receive such tolls and compensation ;

Borrow
money, etc. ;

11. To borrow, from time to time, either in this Province or elsewhere, such sums of money as may be expedient for completing, maintaining and working the railway, and at a rate of interest authorized by the laws of Canada, but not exceeding eight per cent. per annum, and to make the bonds, debentures, or other securities granted for the sums so borrowed, payable either in currency or in sterling, and at such place or places within this Province, or without, as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient, or be necessary, and to hypothecate, mortgage, or pledge the lands, tolls, revenues and other property of the company for the due payment of the said sums and the interest thereon, but no such debenture shall be for a less sum than \$100 ;

Enter upon
Her Majesty's
lands, etc. ;

12. To enter into and upon any lands of Her Majesty, the property of this Province, without previous license therefor, or into and upon the lands of any corporation or person whatsoever lying in the intended route or line of the railway ;

Make surveys
of lands ;

13. To make surveys, examinations, or other necessary arrangements on such lands necessary for fixing the site of the railway, and to set out and ascertain such parts of the lands as are necessary and proper for the railway ;

Remove trees ;

14. To fell or remove any trees standing in any woods, lands or forests, where the railway passes, to the distance of six rods from either side thereof ;

Unite with
other rail-
ways ;

15. To cross, intersect, join and unite the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connection ; and the owners of both railways are to unite in forming such intersection, and grant the

facilities therefor; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by arbitrators to be appointed by a Judge of the High Court;

16. The company shall not avail itself of any of the powers contained in the last sub-section without application to the Commissioner of Public Works, of which application notice in writing shall be given to any other railway affected, by sending the same by mail, or otherwise, to the address of the president, superintendent, managing director or secretary of any such company, for approval of the mode of crossing, union or intersection proposed; and when such approval has been obtained, it shall be lawful for either railway, in case of disagreement as to the amount to be paid for compensation, to proceed for such compensation as provided in the said sub-section. But not without application to the Commissioner of Public Works; R. S. O. 1877, c. 165, s. 9 (1-16).

17. The provisions of the last preceding sub-section and the provisions for the ascertainment of compensation contained in sub-section 15 of this section shall not extend or apply to any railway incorporated under an Act of the Legislature of Ontario, in any case in which it is proposed that such railway shall cross, intersect, join, or unite with, or be crossed, intersected, joined, or united with a railway under the legislative control of Canada. Application of last preceding two sub-sections. 42 V. c. 27, s. 1.

18. Any company may construct a branch or branches not exceeding six miles in length, from any terminus or station of the railway of such company, whenever a by-law sanctioning the same has been passed by the municipal council of the municipality within the limits of which the proposed branch is situate, and no such branch shall, as to the quality and construction of the road, be subject to any of the restrictions contained in the special Act of incorporation of the company or in this Act, nor shall anything in either of the said Acts authorize any company to take for such branch any lands belonging to any party without the consent of such party first obtained. Any company may construct branch railways, on certain conditions. R. S. O., 1877, c. 165, s. 9 (17).

19. A company which desires at any time to change the location of its line of railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of railway, or for any other purpose of public advantage, may make such change; and all the clauses of this Act shall refer as fully to the part of any such line of railway so at any time changed or proposed to be changed as to the original line; but no railway company shall have any right to extend its line of railway beyond the termini mentioned in the Act incorporating the company. Changes may be made in the line of a railway at any time for certain purposes. R. S. O. 1877, c. 165, s. 9 (18).

PLANS AND SURVEYS.

Provision re-
specting sur-
veys and

10. Plans and surveys shall be made and corrected as follows:

Book of Re-
ference.

1. Surveys and levels shall be taken and made of the lands through which the railway is to pass, together with a map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a book of reference for the railway, in which shall be set forth—

- (a) A general description of the said lands;
- (b) The names of the owners and occupiers thereof, so far as they can be ascertained; and
- (c) Everything necessary for the right understanding of such map or plan.

By whom
certified.

2. The map or plan and book of reference shall be examined and certified by the Commissioner of Crown Lands or his Deputies, who shall deposit copies thereof in the offices of the clerks of the peace in the districts or counties through which the railway passes, and also in the office of the Provincial Secretary, and shall also deliver one copy thereof to the company; R. S. O. 1877, c. 165, s. 10 (1, 2).

Copies.

Appeal
against pro-
posed location
of line.

3. Any person may resort to such copies, and make extracts or copies thereof, as occasion requires, paying to the Provincial Secretary, or to the clerks of the peace, at the rate of ten cents for every hundred words so extracted or copied. Any person feeling aggrieved by the proposed location of the line of railway may, within ten days after the deposit of the map or plan and book of reference aforesaid in the office of the clerk of the peace of the district or county where the lands are situated, the location through which is complained of, apply to the Lieutenant-Governor in Council, setting forth his objections to the location of the proposed line, and the Lieutenant-Governor in Council shall, if he considers sufficient cause therefor exists, appoint a disinterested engineer, who shall examine the said proposed line, and after hearing the parties he shall confirm or alter the same as may be consistent with the just rights of all parties and of the public. The determination of the engineer approved by the Lieutenant-Governor in Council shall, within ten days after his appointment, be made and certified, and such certificate shall be filed in the office of the Clerk of the Peace for the district or county where the lands are situated.

- (a) The said engineer shall be entitled to reasonable fees for each day employed in connection with the said examination and work, together with his actual expenses incurred therein, and the amount shall

in the first instance be paid by the person applying for his appointment, but if the proposed route is altered or changed by the engineer, the railway company shall refund to the applicant the amount so paid. R. S. O. 1877, c. 165, s. 10 (3); 50 V. c. 28, s. 1.

4. The triplicates of the map or plan and book of Evidence, reference so certified, or a true copy thereof certified by the Provincial Secretary, or by the clerks of the peace, shall be good evidence in any Court of Justice or elsewhere;

5. Any omission, misstatement or erroneous description of such lands or of the owners or occupiers thereof, in a map or plan or book of reference, may, after giving ten days' notice to the owners of the lands, be corrected by two justices on application made to them for that purpose, and if it appears to them that the omission, misstatement or erroneous description arose from mistake, the justices shall certify the same accordingly; Omissions how remedied.

6. The certificate shall state the particulars of such omission, and the manner thereof, and shall be deposited with the clerks of the peace of the districts or counties respectively in which such lands are situate, and be kept by them along with the other documents to which they relate; and thereupon, the map or plan or book of reference shall be deemed to be corrected according to such certificate; and the company may make the railway in accordance with the certificate; Contents of certificate.

7. If any alterations from the original plan or survey are intended to be made in the line or course of the railway, a plan and section in triplicate of such alterations as have been approved of by the Legislature, on the same scale and containing the same particulars as the original plan and survey, shall be deposited in the same manner as the original plan, and copies or extracts of the plan and section, so far as they relate to the several districts or counties in or through which the alterations have been authorized to be made, shall be deposited with the clerks of the peace of such districts or counties; Alterations from original survey.

8. Until the original map or plan and book of reference, or the plans and sections of the alterations, have been so deposited, the execution of the railway, or of the part thereof affected by the alterations, as the case may be, shall not be proceeded with; Railway not to be proceeded with until map, etc., deposited.

9. The clerks of the peace shall receive and retain the copies of the original plans and surveys, and copies of the plans and sections of alterations, and copies and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under penalty for default of \$4; Clerks of the Peace to receive copies of original plan, etc.

Copies certified by Clerk to be good evidence in Courts.

10. The copies of the maps, plans and books of reference, or of any alteration or correction thereof, or extracts therefrom, certified by the clerk of the peace, shall be received in all Courts of Justice or elsewhere as good evidence of the contents thereof, and the clerk of the peace shall give such certificate to all parties interested when required;

Line not to deviate more than a mile.

11. No deviation of more than one mile from the line of the railway or from the places assigned thereto in the said map or plan and book of reference or plans or sections, shall be made into, through, across, under or over any part of the lands not shewn in such map or plan and book of reference, or plans or sections, or within one mile of the said line and place, save in such instances as are provided for in the special Act;

Error in the name of a person entered in a book of reference.

12. The railway may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person has not been entered in the book of reference through error or any other cause, or although some other person is erroneously mentioned as the owner of or entitled to convey, or is interested in such lands;

Map, etc., of Railway to be filed in the office of the Commissioner of Public Works.

13. A map and profile of the completed railway and of the land taken or obtained for the use thereof, shall, within a reasonable time after completion of the undertaking, be made and filed in the office of the Commissioner of Public Works, and like maps of the parts thereof located in different counties shall be filed in the registry offices for the registry divisions in which such parts are respectively situate;

On what scale and paper to be drawn.

14. Every such map shall be drawn on such a scale and such paper as may from time to time be designated for that purpose by the Commissioner of Public Works, and shall be certified and signed by the president or engineer of the company. R. S. O. 1877, c. 165, s. 10 (4-14).

LANDS AND THEIR VALUATION.

Extent of lands to be taken without consent of proprietor.

11. The lands which may be taken without the consent of the proprietor thereof shall not exceed thirty yards in breadth, except in places where the railway is raised more than five feet higher, or cut more than five feet deeper, than the surface of the line, or where offsets are established, or where stations, depots or fixtures are intended to be erected, or goods to be delivered, and then not more than two hundred yards in length by one hundred and fifty yards in breadth, without the consent of the person authorized to convey such lands; and the places at which such extra breadth is to be taken shall be shewn on the map or plan, or plans or sections, so far as the same are then ascertained, but their not being so shewn shall not prevent such extra breadth from being taken, provided it be taken upon the line shewn or within the distance aforesaid from such line. R. S. O. 1877, c. 165, s. 11.

12. The extent of the public beach, or of the land covered with the waters of any river or lake in the Province, taken for the railway, shall not exceed the quantity limited in the last preceding clause. R. S. O. 1877, c. 165, s. 12.

Extent of public beach to be taken.

13.—(1) All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons, seised, possessed of or interested in any lands, may contract for, sell and convey unto the company all or any part thereof.

Corporation, etc., may convey lands.

(2) But the powers by the preceding sub-section conferred upon rectors in possession of glebe lands, ecclesiastical and other corporations, trustees of land for church and school purposes or either, executors appointed by wills in which they are not invested with any power over the real estate of the testator, administrators of persons dying intestate, but at their death seised of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of any company. R. S. O. 1877, c. 165, s. 13.

Limitation of powers in certain cases.

14. Any contract, agreement, sale, conveyance and assurance made under the preceding section shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the company receiving the same, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever, and the corporation or person so conveying, is hereby indemnified for what he or it respectively does by virtue of or in pursuance of this Act. R. S. O. 1877, c. 165, s. 14.

Effect of sale under preceding section.

15. The company shall not be responsible for the disposition of any purchase money for lands taken by it for its purposes, if paid to the owner of the land or into Court for his benefit, as hereinafter provided. R. S. O. 1877, c. 165, s. 15.

Disposition of purchase money.

16. Any contract or agreement made by any party authorized by this Act to convey lands, and made before the deposit of the map or plan and book of reference, and before the setting out and ascertaining of the lands required for the railway, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the meantime, have become the property of a third party; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award. R. S. O. 1877, c. 165, s. 16.

Effect of contracts made before deposit of map.

Corporations or persons, who cannot sell, may agree upon a fixed rent.

17. All corporations or persons who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the railway and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the registry office of the proper registry division. R. S. O. 1877, c. 165, s. 17.

As to tenants in common, etc.

18. Where more persons than one are proprietors of any land as joint tenants or tenants in common, any contract or agreement made in good faith with any person being proprietor or with any persons being together proprietors of one-third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenants or tenants in common; and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be. R. S. O. 1877, c. 165, s. 18.

After one month's notice of deposit of map, etc., application to the owner of lands.

19.—(1) After one month from the deposit of the map or plan and book of reference, and from notice thereof in at least one newspaper, if there is any, published in each of the districts and counties through which the railway is intended to pass, application may be made to the owners of lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the railway, and thereupon, agreements and contracts may be made with such parties touching the said lands, or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them, or any of them, then all questions which arise between them shall be settled as in the next section mentioned.

Deposit, etc., to be general notice.

(2) The deposit of a map or plan and book of reference, and the notice of the deposit, shall be deemed a general notice to all such parties as aforesaid of the lands which will be required for the railway and works. R. S. O. 1877, c. 165, s. 19.

Notice to opposite party.

20.—(1) A notice shall be served upon the party which shall contain :

(a) A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them);

(b) A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and

(c) The name of a person to be appointed as the arbitrator of the company, if their offer be not accepted.

(2) The notice shall be accompanied by the certificate of a sworn surveyor for Ontario, disinterested in the matter, and not being the arbitrator named in the notice to the following effect:

(a) That the land, (if the notice relates to the taking of land,) shewn on the map or plan, is required for the railway, or is within the limits of deviation hereby allowed;

(b) That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and

(c) That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid.

(3) If the opposite party is absent from the district or county in which the lands lie, or is unknown, then, upon application to a Judge of the County Court, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company that the opposite party is so absent, or that, after diligent inquiry, the party on whom the notice ought to be served cannot be ascertained, the Judge shall order a notice as aforesaid, but without a certificate, to be inserted three times in the course of one month in some newspaper published in the said district or county.

If the party is absent or unknown.

(4) Where a Judge of a County or District Court is interested in lands taken or required within the county in which he is Judge, by any company, for railway purposes, a Judge of the High Court shall, on application of the company, exercise in such case all the powers given to a Judge of a County Court by the provisions of this section in cases in which he, such Judge of a County Court, is not interested.

Provision when the County Judge is interested in lands required for any Railway.

(5) If within ten days after the service of the notice, or within one month after the first publication thereof as aforesaid, the opposite party does not notify to the company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, then the Judge shall, on the application of the company, appoint a sworn surveyor for Ontario, to be sole arbitrator for determining the compensation to be paid as aforesaid.

Party not accepting the Company's offer, and not appointing an arbitrator.

Appointment
of arbitrator
by opposite
party.
Third
arbitrator.

(6) If the opposite party within the time aforesaid, notifies to the company the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the Judge shall, on the application of the party or of the company (previous notice of at least one clear day having been given to the other party), appoint a third arbitrator.

Duties of
arbitrators.

(7) The arbitrators, or any two of them, or the sole arbitrator, being sworn before some Justice of the Peace for the district or county in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the compensation in such way as they or he, or a majority of them, deem best; but no award shall be made or any official act be done by the majority, except at a meeting held at a time and place of which the other arbitrator has had at least one clear day's notice, or to which some meeting at which the third arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required.

Costs how
paid.

(8) If in any case where three arbitrators have been appointed, the sum awarded is not greater than that offered, the costs of the arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the company, and in either case they may, if not agreed upon, be taxed by the Judge aforesaid.

Arbitrators to
consider in-
creased value
of remaining
lands.

(9) The arbitrators, in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the railway will pass by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of, or using the said lands or grounds as aforesaid.

Arbitrators
may examine
on oath.

(10) The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as appear before him or them, and may administer such oath or affirmation.

Parties to
arbitrations
may obtain
subpoenas.

(11) Any party to an arbitration under this Act, or any Railway Act of the Dominion, or of this Province may, without leave or order, obtain and issue out of the High Court, upon *præcipe*, setting forth the names of the witnesses to be subpoenaed, the names of the arbitrators, and the place and time of meeting, a subpoena commanding the attendance for examination of any witness, and also the production of any document to or before the arbitrator or arbi-

trators, and at the time and place mentioned in such subpoena : and the disobedience of such subpoena shall be deemed a contempt of Court, and shall be punishable in the same manner and to the like extent as in the case of subpoenas issued in a civil case. Disobedience thereto to be contempt of Court.

(12) The same fees shall be payable for such subpoenas as in the case of subpoenas issued in civil cases, and the witnesses shall be entitled to the like conduct money. Fees and conduct money.

(13) The arbitrators shall take down the depositions of witnesses in writing, and after making their award, shall forthwith deliver, or transmit, by registered letter, at the request of either party, in writing, the depositions, together with the exhibits referred to therein, and all other papers connected with the reference except the award, to the Clerk of Records and Writs of the Chancery Division of the High Court, with appropriate stamps, to be filed by the clerk with the records of the Court. Depositions to be in writing and filed with Clerk of Records and Writs, with exhibits, etc.

(14) The Judge by whom a third arbitrator or sole arbitrator is appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by the order of the Judge (as it may be for reasonable cause shewn, on the application of such sole arbitrator, or of one of the arbitrators, after one clear day's notice to the others), then the sum offered by the company as aforesaid shall be the compensation to be paid by them. Time within which award must be made.

(15) If the arbitrator appointed by the Judge, or if any arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the arbitrator appointed by the Judge, upon the application of either party, such Judge, being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in his place, and the company and party respectively may each appoint an arbitrator in the place of his arbitrator deceased or not acting as aforesaid, but no recommencement or repetition of prior proceedings shall be required in any case. Arbitrator dying, etc. R. S. O. 1877, c. 165, s. 20, (1-14).

(16) Any notice for lands, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the same or any other party, but in such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist; provided, however, that the right of desisting shall not be exercised more than once. Company may desist upon paying costs; but not more than once. R. S. O. 1877, c. 165, s. 20 (15); 47 V. c. 30, s. 11.

Arbitrators
not disquali-
fied unless
personally
interested.

(17) The surveyor or other person offered or appointed as valuator or as arbitrator shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against an arbitrator appointed by the Judge after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the Judge.

No objection
admissible
after a third
arbitrator
has been
appointed.

How validity
of objections
to arbitrator
determined.

(18) No cause of disqualification shall be urged against an arbitrator appointed by the company, or by the opposite party after the appointment of a third arbitrator; and the validity or invalidity of any cause of disqualification urged against such arbitrator, before the appointment of a third arbitrator, shall be summarily determined by the Judge, on the application of either party, after one clear days' notice to the other, and if such cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an arbitrator.

Awards not
avoided for
want of form.

(19) No award made as aforesaid shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award.

Parties to ar-
bitration may
appeal to a
Judge of the
High Court.

(20) Any party to the arbitration may, within one month after receiving a written notice from one of the arbitrators of the making of the award, appeal therefrom upon any question of law or fact to a Judge of the High Court and upon the hearing of the appeal the Judge shall, if the same is a question of fact, decide the same upon the evidence, as in a case of original jurisdiction.

Practice and
proceedings
upon appeal.

Rev. Stat. c. 47.

(21) Upon such appeal the practice and proceedings shall be, as nearly as may be, the same as upon an appeal from a decision of the Judge of the County Court under *The County Courts Act*, subject to any General Rules or Orders (to be from time to time made by the Judges of the High Court, in the same manner as they are authorized to make other General Rules and Orders respecting practice and procedure) altering and regulating such practice and proceedings.

Existing prac-
tice as to set-
ting aside
awards con-
tinued.

Possession
may be taken
on payment or
tender, etc., of
sum awarded.

(22) The right of appeal hereby given shall not affect the existing law or practice as to setting aside awards.

(23) Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon as aforesaid to the party entitled to receive the same, or upon the deposit of the

amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon; and if any resistance or forcible opposition is made by any person to their so doing, the Judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district or county, or to a bailiff, as he may deem most suitable, to put the company in possession, and to put down such resistance or opposition, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do.

(24) The warrant may also be granted by such Judge, without the award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the railway with which the company are ready forthwith to proceed; and upon the company giving security to his satisfaction, and in a sum which shall not be less than double the amount mentioned in the notice, to pay or deposit the compensation to be awarded within one month after the making of the award, with interest from the time at which possession is given, and with such costs as may be lawfully payable by the company.

When warrant of possession may issue before award.

Security being first given to pay compensation.

(25) The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into a claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid the compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party.

When compensation to stand in the place of the land.

(26) If the company has reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the company, or if for any other reason the company deems it advisable, the company may pay the compensation into the office of the Accountant of the Supreme Court of Judicature, with the interest thereon for six months, and may deliver to the said Accountant an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned.

As to incumbrances, etc., upon lands, etc., purchased or taken.

(27) A notice, in such form and for such time as the High Court appoints, shall be inserted in some newspaper if there is any published in the county in which the lands are situate, and in the city of Toronto, which shall state that the title of

What notice to be published.

the company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall for ever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages and incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act, and the special Act, and to law, appertain.

By whom
costs be paid.

(28) The costs of the proceedings, or any part thereof, shall be paid by the company, or by any other party as the Court deems it equitable to order.

When interest
to be returned
to, or paid by
the company.

(29) If such order of distribution as aforesaid is obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the company, and if from any error, fault or neglect of the company, it is not obtained until after the six months have expired, the Court shall order the company to pay to the proper claimants the interest for such further period as may be right. R. S. O., 1877, c. 165, s. 20 (16-28).

MINES.

Company not
entitled to
mines without
express
agreement.

21. The company shall not be entitled to any mines of iron, slate, or other minerals under any land purchased by them except only such parts thereof as shall be necessary to be dug or carried away, or used in the construction of the works, unless the same shall have been expressly purchased; and all such mines, excepting as aforesaid, shall be deemed to be excepted out of the conveyance of such lands, unless they shall have been expressly named therein and conveyed thereby. 47 V. c. 30, s. 2.

Mines not to
be worked in
certain cases
if company so
desires and
makes com-
pensation
therefor.

22. If the owner, lessee, or occupier of any mines or minerals lying under the railway or any of the works connected therewith or within the prescribed distance, or, where no distance shall be prescribed, forty yards therefrom, be desirous of working the same, such owner, lessee or occupier shall give to the company notice in writing of his intention so to do thirty days before the commencement of working, and upon the receipt of the notice it shall be lawful for the company to cause the mines to be inspected by any person appointed by them for the purpose, and if the company shew to the satisfaction of the Commissioner of Public Works that the working of the mines or minerals is likely to damage the works of the railway, and if the company be willing to make compensation for the

mines or any part thereof to the owner, lessee or occupier thereof, then he shall not work or get the same; and if the company and the owner, lessee or occupier do not agree as to the amount of the compensation the same shall be settled as in other cases of disputed compensation under this Act. 47 V. c. 30, s. 3.

23. If before the expiration of such thirty days the company do not state their willingness to treat with the owner, lessee or occupier for the payment of the compensation, it shall be lawful for him to work the said mines or any part thereof for which the company shall not have agreed to pay compensation, so that the same be done in a manner proper and necessary for the beneficial working thereof, and according to the usual manner of working such mines in the district where the same shall be situate, and if any damage or obstruction be occasioned to the railway or works by improper working of the mines, the same shall be forthwith repaired or removed, as the case may require, and the damage made good by the owner, lessee or occupier of the mines or minerals and at his own expense; and if the repair or removal be not forthwith done, or if the company shall so think fit without waiting for the same to be done by the owner, lessee or occupier, it shall be lawful for the company to execute the same and recover from the owner, lessee or occupier the expense occasioned thereby by action in any Court of competent jurisdiction. 47 V. c. 30, s. 4.

Mines may be worked if company does not give notice as to compensation.

24. If the working of such mines under the railway, or works, or within the above mentioned distance therefrom, be prevented as aforesaid by reason of apprehended injury to the railway, it shall be lawful for the respective owners, lessees and occupiers of such mines, and whose mines shall extend so as to lie on both sides of the railway, to cut and make such and so many airways, headways, gateways, or water levels through the mines, measures, or strata, the working whereof shall be so prevented, as may be requisite to enable them to ventilate, drain, and work their said mines; but no such airway, headway, gateway, or water level shall be cut or made without first procuring the consent in writing of the Commissioner of Public Works of the Province; nor shall the same be cut or made upon any part of the railway or works, or so as to injure the same, or to impede the passage thereon. 47 V. c. 30, s. 5.

Right to make airways, etc., where working of mines under railway prevented.

25. The company shall, from time to time, pay to the owner, lessee, or occupier of any such mines extending so as to lie on both sides of the railway all such additional expenses and losses as shall be incurred by the owner, lessee, or occupier by reason of the severance of the lands lying over such mines by the railway, or of the continuous working of such mines being interrupted as aforesaid, or by reason of the same being worked in

Compensation by company for loss by severance of mine.

such manner and under such restrictions as not to prejudice or injure the railway, and for any minerals not purchased by the company which cannot be obtained by reason of making and maintaining the railway; and if any dispute or question shall arise between the company and such owner, lessee, or occupier as aforesaid, touching the amount of such losses or expenses, the same shall be settled by arbitration under this Act. 47 V. c. 30, s. 6.

Power for company to enter mines for purpose of ascertaining whether work- ing endangers railway.

26. For better ascertaining whether any such mines are being worked, or have been worked, so as to damage the railway or works, it shall be lawful for the company, after giving twenty-four hours notice in writing, to enter upon any lands through or near which the railway passes wherein any such mines are being worked, or are so supposed to be, and to enter into and return from any such mines or the works connected therewith; and for that purpose it shall be lawful for them to make use of any apparatus or machinery belonging to the owner, lessee, or occupier of such mines, and to use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked, or about so to be. 47 V. c. 30, s. 7.

Penalty for refusing company access to mines.

27. If the owner, lessee, or occupier of any such mine shall refuse to allow any person appointed by the company for that purpose to enter into and inspect any such mines or works in manner aforesaid, every person so offending shall, for every such refusal, forfeit to the company a sum not exceeding \$100. 47 V. c. 30, s. 8.

Works required for safety of railway to be constructed.

28. If it appear that any such mines have been worked contrary to the provisions of the preceding seven sections, the company may, if they think fit, give notice to the owner, lessee, or occupier thereof to construct such works and to adopt such means as may be necessary or proper for making safe the railway and preventing injury thereto; and if after such notice such owner, lessee, or occupier do not forthwith proceed to construct the works necessary for making safe the railway, the company may themselves construct such works and recover the expenses thereof from the owner, lessee, or occupier by action in any Court of competent jurisdiction. 47 V. c. 30, s. 9.

HIGHWAYS AND BRIDGES.

29. The highways and bridges shall be regulated as follows

Railway not to be carried along any highway without leave from municipal authorities.

1. The railway shall not be carried along an existing highway, but merely cross the same in the line of the railway, unless leave has been obtained from the proper municipal authority therefor; and no obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on comple-

tion of the works, replacing the highway, under a penalty of not less than \$40 for any contravention; but, in either case, the rail itself, provided it does not rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction.

2. No part of the railway which crosses a highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch; and the railway may be carried across or above a highway within the limits aforesaid.

Railway not to rise more than one inch above level of highways when crossing the same.

3. The ascent of all bridges erected to carry a highway over a railway, shall not be more than one foot in twenty feet increase over the natural ascent of the highway; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge.

Ascent of bridges.

4. Signboards stretching across the highway crossed at a level by a railway, shall be erected and kept up at each crossing at such height as to leave sixteen feet from the highway to the lower edge of the signboard, and having the words "Railway Crossing" painted on each side of the signboard, and in letters not less than six inches in length; and for every neglect to comply with the requirements of this clause, a penalty not exceeding \$40 shall be incurred. R. S. O. 1877, c. 165, s. 21.

Precautions when railway crosses a highway.

5. Overhead bridges, and other erections or structures over a railway, shall be constructed and maintained in conformity with sections 4 and 5 of *The Railway Accidents Act*.

Overhead bridges. Rev. Stat. c. 212, ss. 4, 5.

FENCES.

30.—(1) Fences shall be erected and maintained on each side of the railway, of the height and strength of an ordinary division fence, with openings or gates, or bars therein at farm crossings of the road, for the use of the proprietors of the lands adjoining the railway; and also cattle guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the railway.

Fences to be erected on each side of Railway.

(2) The said words "openings, gates or bars," shall be held to mean and shall in all cases imply sliding gates, commonly called hurdle gates, with proper fastenings; but this shall not be interpreted to the profit of those proprietors and tenants of land crossed by railways who had received compensation from the railway companies, for having omitted the erection of such gates before the 10th of June, 1847, nor shall it in any way affect or apply to any railway constructed or in part constructed, on the 10th of June, 1847, but the same shall apply only to railways constructed or commenced after that day.

Meaning of certain words.

Liability of Company until cattle guards erected.

(3) Until such fences and cattle guards are duly made, the company shall be liable for all damages which may be done by their trains or engines to cattle, horses or other animals on the railway.

When to be exempted.

(4) After the fences or guards have been duly made, and while they are duly maintained, no such liability shall accrue for such damages, unless negligently or wilfully done.

Persons prohibited going on the track, etc., with cattle, etc.

(5) If a person rides, leads or drives any horse or other animal upon the railway, and within the fences and guards, other than the farm crossings, without the consent of the company, he shall for every such offence forfeit a sum not exceeding \$40, and shall also pay to the party aggrieved all damages sustained thereby.

Or walking thereon.

(6) No person other than those connected with, or employed by the railway, shall walk along the track thereof, except where the same is laid across or along a highway.

Dividing and separating of lands for Railway from neighbouring lands.

(7) Within six months after any lands have been taken for the use of the railway, and if thereunto required by the proprietors of the adjoining lands respectively, but not otherwise, the company shall, at their own costs and charges, set and make on the lands so taken, and from time to time maintain, support and keep in repair, a sufficient post or rail, hedge, ditch, bank or other fence sufficient to keep off swine, sheep and cattle and thereby divide and separate and keep constantly divided and separated such lands from the lands or grounds adjoining thereto. R. S. O. 1877, c. 165, s. 22.

TOLLS.

Tolls to be fixed by by-laws or otherwise.

31.—(1) Tolls shall be from time to time fixed and regulated by the by-laws of the company, or by the directors, if thereunto authorized by the by-laws, or by the shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the railway or in the steam vessels to the undertaking belonging, and shall be paid to such persons and at such places near to the railway, in such manner and under such regulations as the by-laws direct.

How payment of tolls enforced.

(2) In case of denial or neglect of payment on demand of such tolls, or any part thereof, to such persons, the same may be sued for and recovered in any Court of competent jurisdiction, or the agents or servants of the company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof.

When, if tolls not paid, goods detained may be sold.

(3) If the tolls are not paid within six weeks, the company may sell the whole or any part of such goods, and out of the money arising from the sale retain the tolls payable, and all charges and expenses of the detention and sale; rendering the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto.

(4) If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Ontario Gazette*, and in such other papers as they deem necessary, sell such goods by public auction at a time and place to be mentioned in the advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any party entitled thereto.

When goods
distrained or
detained may
be sold.

(5) In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Provincial Treasurer to be applied to the general purposes of the Province, until claimed by the party entitled thereto.

How balance
to be disposed
of.

(6) All or any of the tolls may, by by-law, be reduced and again raised as often as deemed necessary for the interests of the undertaking; but the same tolls shall be payable at the same time and under the same circumstances upon all goods and by all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any by-laws relating to the tolls.

Tolls may
be raised, or
reduced.

(7) In all cases, a fraction in the distance over which goods or passengers are transported on the railway shall be considered as a whole mile; and for a fraction of a ton in the weight of any goods, a proportion of the tolls shall be demanded and taken, according to the number of quarters of a ton contained therein, and a fraction of a quarter of a ton shall be deemed and considered as a whole quarter of a ton.

Fraction of a
mile how
considered in
charging tolls.
Fraction of a
ton.

(8) The directors shall, from time to time, print and stick up, or cause to be printed and stuck up, in the office, and in all and every of the places where the tolls are to be collected, and in every passenger car, in some conspicuous place there, a printed board or paper exhibiting all the tolls payable, and particularizing the price or sum of money to be charged or taken for the carriage of any matter or thing.

Table of tolls
to be stuck up
in offices and
cars.

(9) No tolls shall be levied or taken until approved of by the Lieutenant-Governor in Council, nor until after two weekly publications in the *Ontario Gazette* of the by-law establishing such tolls, and of the Order in Council approving thereof.

Tolls to be ap-
proved of by
the Lieut.-
Governor.

(10) Every by-law fixing and regulating tolls shall be subject to revision by the Lieutenant-Governor in Council from time to time, after approval thereof as aforesaid; and after an Order in Council reducing the tolls fixed and regulated by by-law, has been twice published in the *Ontario Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law so long as the Order in Council remains unrevoked.

The Lieut.
Governor may
revise by-laws
fixing tolls.

When the Legislature may reduce tolls on railways.

(11) The Legislature may from time to time reduce the tolls upon the railway, but not without the consent of the company, or so as to produce less than fifteen per cent. per annum profit on the capital actually expended in its construction; nor unless, on an examination made by the Commissioner of Public Works of the amount received and expended by the company, the net income from all sources, for the year then last past, is found to have exceeded fifteen per cent. upon the capital so actually expended.

By-laws imposing tolls to be approved by the Lieut.-Governor in Council.

(12) The by-laws of every railway company, heretofore or hereafter incorporated, regulating the tolls to be taken on such road, in the special Act respecting which a provision has been inserted that such railway should be subject to the provisions of any general Act relating to Railways, shall be subject to the approval of the Lieutenant-Governor in Council, and no by-law of any railway company in this Province by which tolls are to be imposed or altered, or by which any party other than the members, officers and servants of the company are intended to be bound, shall have any force or effect until the same has been approved and sanctioned by the Lieutenant-Governor in Council. R. S. O., 1877, c. 165, s. 23.

GENERAL MEETINGS.

Shareholders may hold general meeting.

32. The shareholders may assemble together at general meetings for purposes connected with or belonging to the undertaking, and at any annual general meeting, and may elect directors in the manner provided by section 34. R. S. O., 1877, c. 165, s. 24.

Calling of meetings, etc.

33. The method of calling general meetings, and the time and place of the first meeting of shareholders for the appointment of directors, shall be determined and settled in the special Act. R. S. O., 1877, c. 165, s. 25.

PRESIDENT AND DIRECTORS.

Board of directors.

34.—(1) A board of directors of the undertaking, to manage its affairs, the number whereof shall be stated in the special Act, shall be chosen annually by a majority of the shareholders voting at such election at a general meeting; the time and place for which shall be appointed by the special Act; and if the election is not held on the day so appointed, the directors shall notify and cause the election to be held within thirty days after the day appointed.

Who entitled to vote.

(2) On the day so notified, no person shall be admitted to vote except those who would have been entitled to vote had the election been held on the day when it ought to have been held.

(3) Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws. Vacancies how to be filled up.

(4) No person shall be a director unless he is a shareholder, owning stock absolutely in his own right, and qualified to vote for directors at the election at which he is chosen. Who qualified to be a Director.

(5) The number of votes to which each shareholder shall be entitled on every occasion when the votes of the members are to be given, shall be in proportion to the number of shares held by him, unless otherwise provided by the special Act. Votes to be in proportion to shares.

(6) All shareholders, whether resident in this Province or elsewhere, may vote by proxy, if they see fit, provided such proxy produces from his constituent an appointment in writing, in the words or to the effect following, that is to say: Shareholders may vote by proxy.

I, _____, of _____, one of the Shareholders of the _____, do hereby appoint _____ of _____, to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the said undertaking that may be mentioned or proposed at any meeting of the Shareholders of the said Company, in such manner as he the said _____ thinks proper.

In witness whereof, I have hereunto set my hand and seal, the day of _____ in the year _____

(7) The votes by proxy shall be as valid as if the principals had voted in person; and every matter or thing proposed or considered in any public meeting of the shareholders shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of such majority shall bind the company, and be deemed the decisions and acts of the company. Votes by proxy to be valid.

(8) The directors first appointed, or those appointed in their stead, in case of vacancy, shall remain in office until the next annual election of directors at the time appointed therefor, at which time an annual general meeting of the shareholders shall be held to choose directors for the ensuing year, and generally to transact the business of the company. Term of office of directors.

(9) In case of the death, absence or resignation of any of the directors, others may be appointed in their stead by the surviving directors; but if such appointment is not made, such death, absence or resignation shall not invalidate the acts of the remaining directors. Vacancies how supplied.

(10) The directors shall, at their first or at some other meeting, after the day appointed for the annual general meeting, elect one of their number to be the president of the company, who shall, always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may in like manner elect a vice-president, who shall act as chairman in the absence of the president. President. Vice-President.

Quorum.

(11) The directors at any meeting at which not less than a quorum, to be settled by the special Act, are present, shall be competent to use and exercise all and any of the powers vested in the directors.

Acts of majority to bind the whole.

(12) The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors.

Casting vote.

(13) No director shall have more than one vote at any meeting, except the chairman, who shall, in case of a division, of equal numbers, have the casting vote.

Directors to be subject to shareholders and by-laws.

(14) The directors shall be subject to the examination and control of the shareholders at their annual meetings, and be subject to all by-laws of the company, and to the orders and directions from time to time made at the annual or at any special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the special Act.

Officers of Company not to be Directors.

(15) No person holding any office, place or employment in or being concerned or interested in any contracts under or with the company, shall be capable of being chosen a director, or of holding the office of director, nor shall any person being a director of the company enter into or be directly or indirectly, for his own use and benefit, interested in any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contractor with the company; and in the event of any such contract made since the 30th day of June, 1858, or made after this Act takes effect, by or on behalf of any director, an action shall lie in any Court of competent jurisdiction against such director, at the suit of any shareholder of the company, for the benefit of the funds thereof, for the whole amount of profit accruing to such director from the contract so made or fulfilled.

By-laws for management of stock, etc.

(16) The directors shall make by-laws for the management and disposition of the stock, property, business and affairs of the company, not inconsistent with the laws of this Province, and for the appointment of all officers, servants and artificers, and prescribing their respective duties.

May appoint officers.

(17) The directors shall from time to time appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or otherwise, from the manager and officers for the time being, for the safe keeping and accounting by them respectively of the moneys raised by virtue of this Act and the special Act, and for the faithful execution of their offices, as the directors think proper.

Vice-President to act in the absence of the President.

(18) In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and may sign all notes, bills, debentures, and other

instruments, and perform all acts which by the regulations and by-laws of the company or by the Acts incorporating the company are required to be signed, performed and done by the president.

(19) The directors may at any meeting require the secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof signed by the secretary shall be delivered to any person or persons requiring the same on payment to the treasurer of \$1, and such certificate shall be taken and considered as *prima facie* evidence of such absence or illness at and during the period in the said certificate mentioned, in all proceedings in Courts of Justice or otherwise.

Absence of President may be entered in the minutes, and certified, etc.

(20) The directors shall cause to be kept, and annually, on the 31st day of December, shall cause to be made up and balanced, a true, exact and particular account of the money collected and received by the company, or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the erecting, making supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or the directors. R. S. O. 1877, c. 165, s. 26.

Directors to cause annual accounts to be kept.

CALLS.

35.—(1) The directors may from time to time make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall exceed the prescribed amount determined in the special Act, or be made at a less interval than two months from the previous call, nor shall a greater amount be called in, in any one year, than the amount prescribed in the special Act.

Calls.

(2) All notices of meetings or of calls upon the shareholders of the company shall be published weekly in the *Ontario Gazette*, and the said *Gazette* shall, on production thereof, be conclusive evidence of the sufficiency of such notices.

Notice of meetings, how published.

(3) Every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the company or the directors.

Payment of calls, how to be made.

(4) If, before or on the day appointed for payment, any shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the legal rate for the time being, from the day appointed for the payment thereof to the time of the actual payment.

Interest to be chargeable on unpaid calls.

(5) If at the time appointed for the payment of a call, a shareholder fails to pay the amount of the call, he may be sued for the same, in any Court of competent jurisdiction, if he does not.

Amount of call may be recovered by suit.

and the same may be recovered, with lawful interest from the day on which the call became payable.

What formalities necessary in actions for calls.

(6) In an action to recover money due upon a call, it shall not be necessary to set forth the special matter, but it shall be sufficient to state that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more, upon one share or more, stating the number and amount of each of such calls, whereby an action has accrued to the company by virtue of the special Act.

Certificate of proprietorship *prima facie* evidence.

(7) The certificate of proprietorship of a share shall be admitted in all Courts as *prima facie* evidence of the title of any shareholder, his executors, administrators, successors or assigns, to the share therein specified.

Want of certificate not to prevent disposing of shares.

(8) But the want of such certificate shall not prevent the holder of any share from disposing thereof.

Penalty for refusal to pay calls.

(9) Persons neglecting or refusing to pay a ratable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit their respective shares in the undertaking, and all the profit and benefit thereof; all which forfeitures shall go to the company for the benefit thereof.

Forfeiture of share to be taken advantage of only at a general meeting.

(10) No advantage shall be taken of the forfeiture, unless the same is declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture incurred.

Effect of forfeiture as to liabilities.

(11) Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting, against all actions or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking.

Directors may sell forfeited shares at auction

(12) The directors may sell, either by public auction or private sale, and in such manner and on such terms as to them seems meet, any shares so declared to be forfeited, and also any shares remaining unsubscribed for in the capital stock of the company, or pledge such forfeited or unsubscribed shares for the payment of loans or advances made or to be made thereon, or of any sums of money borrowed by or advanced to the company.

Certificate of treasurer to be evidence of forfeiture and of title.

(13) A certificate of the treasurer of the company that the forfeiture of the shares was declared, and of their purchase by the purchaser, shall be sufficient evidence of the facts, and such certificate, with the receipt of the treasurer for the price of such shares, shall constitute a good title to the shares, and

the certificate shall be by the treasurer enregistered in the name and with the place of abode and occupation of the purchasers, and shall be entered in the books required to be kept by the by-laws of the company, and the purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to the sale, and any shareholder may purchase any shares so sold.

(14) Shareholders willing to advance the amount of their shares, or any part of the money due upon their respective shares beyond the sums actually called for, may pay the same; and upon the principal moneys so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect of which such advance is made, the company may pay interest at such legal rate as the shareholders paying such sum in advance and the company agree upon; but such interest shall not be paid out of the capital subscribed. Interest may be allowed to shareholders paying money in advance of their shares. R. S. O. 1877, c. 165, s. 27.

DIVIDENDS.

36.—(1) At the general meetings of the shareholders of the undertaking, from time to time holden, a dividend shall be made, out of the clear profits of the undertaking, unless such meetings declare otherwise. Declaration of dividend

(2) Such dividend shall be at and after the rate of so much per share upon the several shares held by the shareholders in the stock of the company, as such meeting thinks fit to appoint or determine. At so much per share

(3) No dividend shall be made whereby the capital of the company is in any degree reduced or impaired, or be paid thereout, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof until such call has been paid. Dividends not to impair the capital.

(4) The directors may, in their discretion, until the railway is completed and opened to the public, pay interest at any rate authorized by the laws of Canada but not exceeding \$6 per \$100 per annum on all sums called up in respect of the shares, from the respective days on which the same have been paid, such interest to accrue and be paid at such times and places as the directors appoint for that purpose. Directors may pay interest on sums called up in respect of shares

(5) No interest shall accrue to the proprietors of any share upon which any call is in arrear in respect of such share or any other share to be holden by the same shareholder while such call remains unpaid, nor shall any interest be paid or taken from the capital subscribed. No interest on shares in arrear. R. S. O. 1877, c. 165, s. 28.

SHARES AND THEIR TRANSFER.

Shareholders
may dispose
of shares.

37.—(1) Shares in the undertaking may, by the parties, be sold and disposed of by instrument in writing, to be made in duplicate, one part of which shall be delivered to the directors, to be filed and kept for the use of the company, and an entry thereof shall be made in a book to be kept for that purpose; and no interest on the shares transferred shall be paid to the purchaser until the duplicate is so delivered, filed and entered.

Form of sale.

(2) Sales shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require:

I, *A. B.*, in consideration of the sum of _____ paid
to me by *C. D.*, hereby do sell and transfer to him
share (or shares) of the stock of the _____, to hold to him
the said *C. D.*, his heirs, executors, administrators and assigns, subject
to the same rules and orders, and on the same conditions that I held the
same immediately before the execution hereof. And I the said *C. D.*
do hereby agree to accept the said _____ share (or shares)
subject to the same rules, orders and conditions.
Witness our hands this _____ day of
in the year 18 _____.

Shares to be
personal estate
—transfer of.

(3) The stock of the company shall be deemed personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, or the shares have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid.

Transmission
of shares other
than by trans-
fer, provided
for.

(4) If a share in the company is transmitted by the death, bankruptcy, or last will, donation or testament, or by the intestacy, of a shareholder, or by any lawful means other than the transfer hereinbefore mentioned, such party to whom the share is so transmitted shall deposit in the office of the company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of the will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary, and without which such party shall not be entitled to receive any share of the profits of the company, or to vote in respect of such share as the holder thereof.

Company not
bound to see to
execution of
trusts.

(5) The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject; and the receipt of the party in whose name any share stands in the books of the company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the register of shareholders, shall from time to time be a sufficient discharge to the company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the company have had notice of the trusts, and the company shall not be bound to see to the application of the money paid upon such receipts.

(6) The original capital stock may be increased from time to time to any amount, but such increase must be sanctioned by a vote, in person or by proxy, of at least two-thirds in amount of all the shareholders, at a meeting of them expressly called by the directors for that purpose, by a notice in writing to each shareholder, served on him personally, or properly directed to him, and deposited in the post office nearest to his place of residence, at least twenty days previous to such meeting, stating the time and place and object of the meeting, and the amount of increase; and the proceedings of such meeting must be entered on the minutes of the proceedings, and thereupon the capital stock may be increased to the amount sanctioned by such a vote. Stock may be increased.

(7) The funds of the company shall not be employed in the purchase of any stock in their own or in any other company. Company not to take stock in other companies.
R. S. O. 1877, c. 165, s. 29.

SHAREHOLDERS.

38.—(1) Every shareholder shall be individually liable to the creditors of the company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities of the company, and until the whole amount of his stock has been paid up; but shall not be liable to an action therefor before an execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder. Shareholders individually liable till shares paid up.

(2) A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book to be kept for that purpose, as well as of the several persons who from time to time become proprietors of, or entitled to any shares therein, and of all the other acts, proceedings and transactions of the company and of the directors for the time being. Account of names and residence of shareholders to be kept.
R. S. O. 1877, c. 165, s. 30.

MUNICIPALITIES TAKING STOCK.

39.—(1) Municipal corporations in this Province may subscribe for any number of shares in the capital stock of, or lend to or guarantee the payment of any sum of money borrowed by the company from any corporation or person, or endorse or guarantee the payment of any debenture to be issued by the company for the money by them borrowed, and may assess and levy from time to time upon the whole ratable property of the municipality a sufficient sum for them to discharge the debt or engagement so contracted, and for the like purpose may issue debentures payable at such times and for such sums respectively, not less than \$20, and bearing or not bearing interest, as such municipal corporation thinks meet. Municipal Corporations may take stock.

Debentures issued by them to be binding.

(2) Any such debenture issued, endorsed or guaranteed, shall be valid and binding upon the municipal corporation, if signed or endorsed, and countersigned by the officer or person, and in such manner and form as directed by any by-law of the corporation, and the seal of the corporation thereto shall not be necessary, nor the observance of any other form with regard to the debentures than as directed in the by-law.

Not to subscribe for stock unless by-laws are made for that purpose.

Rev. Stat. c. 184.

(3) No municipal corporation shall subscribe for stock or incur any debt or liability under this Act or the special Act, unless and until a by-law to that effect has been duly made, and adopted, with the consent first had of a majority of the qualified electors of the municipality, to be ascertained in the manner provided by *The Municipal Act*, after public advertisement thereof containing a copy of such proposed by-law, inserted at least four times in each newspaper printed within the limits of the municipality, or if none be printed therein, then in some one or more newspapers printed in the nearest city or town thereto and circulated therein, and also put up in at least four of the most public places in each municipality. *See also* Cap. 184, s. 634.

Mayor, etc., to be *ex-officio* a Director in certain cases.

(4) The mayor, warden or reeve, or other chief officer of a municipal corporation subscribing for and holding stock in the company to the amount of \$20,000. or upwards, shall be *ex-officio* one of the directors of the company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers and duties as any of the directors of the company. *See also* Cap. 184, s. 635.

Mayor, etc., not to vote for directors of companies incorporated before 14th June, 1853.

(5) No such mayor, warden, reeve or other chief officer or other person representing any municipality having or taking stock in any railway company shall, directly or indirectly, vote on the election or appointment of the private directors of any railway company incorporated previous to or during the Session held in the sixteenth year of Her Majesty's reign, unless the special Act of incorporation of such company expressly provides therefor. R. S. O. 1877, c. 165, s. 31.

BY-LAWS—NOTICES, ETC.

By-laws to be put into writing and signed by Chairman.

40.—(1) All by-laws, rules and orders regularly made, shall be put into writing and signed by the chairman or person presiding at the meeting at which they are adopted, and shall be kept in the office of the company; and a printed copy of so much of them as relates to or affects any party other than the members or servants of the company, shall be affixed openly in all and every passenger car, and in all and every place where tolls are to be gathered, and in like manner so often as any change or alteration is made in the same; and any copy of the same or of any of them, certified as correct by the president or secretary, shall be deemed authentic, and shall be received as evidence thereof in any Court, without further proof.

(2) All such by-laws, rules and orders shall be submitted from time to time to the Lieutenant-Governor for approval. By-laws to be submitted to Lieut.-Governor.

(3) Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any general or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute books kept by the secretary of the company, and by him certified to be true copies, extracted from such minute-books, shall be *prima facie* evidence of such proceedings and resolutions in all Courts of civil jurisdiction. Copies of minutes to be *prima facie* evidence.

(4) All notices given by the secretary of the company, by order of the directors, shall be deemed notices by the directors and company. Notices by Secretary valid. R. S. O. 1877, c. 165, s. 32.

WORKING OF THE RAILWAY.

41.—(1) Every servant of the undertaking employed in a passenger train, or at a station for passengers, shall wear upon his hat or cap a badge which shall indicate his office, and he shall not without such badge be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or meddle or interfere with any passenger or his baggage or property. Servants to wear badges.

(2) The trains shall start and run at regular hours to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other railways, and at usual stopping places, established for receiving and discharging way-passengers and goods from the trains. Trains to start at regular hours.

(3) Such passengers and goods shall be taken, transported and discharged, at, from, and to such places, on the due payment of the toll, freight or fare legally authorized therefor. Passengers and goods to be carried on payment of fare or freight.

(4) The party aggrieved by any neglect or refusal in the premises, shall have an action therefor against the company, from which action the company shall not be relieved by any notice, condition or declaration if the damage arises from any negligence, omission or misconduct of the company or of its servants. The Company liable for neglect or refusal.

(5) Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture of any kind thereupon, and a duplicate of such check shall be given to the passenger delivering the parcel. Checks to be affixed to baggage.

(6) If such check is refused on demand, the company shall pay to such passenger the sum of \$8, to be recovered in a civil action; and further, no fare or toll shall be collected or received from such passenger, and if he has paid his fare, the same shall be refunded by the conductor in charge of the train. Penalty for refusing to give checks.

Baggage cars not to be in rear of passenger cars. (7) The baggage, freight, merchandise or lumber cars shall not be placed in rear of the passenger cars, and no officer or agent shall direct or knowingly suffer such arrangement.

Locomotives to have bells or whistles. (8) Every locomotive engine shall be furnished with a bell of at least thirty pounds weight, or with a steam whistle.

Bell to be rung or whistle sounded at every crossing. (9) The bell shall be rung, or the whistle sounded at the distance at least of eighty rods from every place where the railway crosses any highway, and be kept ringing or be sounded at short intervals, until the engine has crossed such highway, under a penalty of \$8 for every neglect thereof, to be paid by the company, who shall also be liable for all damages sustained by any person by reason of such neglect, one-half of which penalty and damages shall be chargeable to and collected by the company from the engineer having charge of such engine and neglecting to sound the whistle or ring the bell as aforesaid.

[As to fire from locomotives. See *The Act to Preserve the Forests from Destruction by Fire*, Cap. 213.]

Passenger refusing to pay fare may be put out. (10) Any passenger refusing to pay his fare, may, with his baggage, by the conductor of the train and the servants of the company, be put out of the cars at any usual stopping place, or near any dwelling-house, as the conductor elects, the conductor first stopping the train and using no unnecessary force.

Passengers to have no claim if injured when on platform of cars, etc. (11) Any passenger injured while on the platform of a car, or on any baggage, wood or freight car, in violation of the printed regulations posted up at the time in a conspicuous place inside of the passenger cars then in the train, shall have no claim for the injury, provided room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time.

As to goods of a dangerous nature. (12) No person shall be entitled to carry or to require the company to carry upon their railway, *aqua fortis*, oil of vitriol, gunpowder, lucifer matches, or any other goods which, in the judgment of the company, are of a dangerous nature; and if any person sends by the railway such goods without, at the time of so sending the said goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the book-keeper or other servant of the company with whom the same are left, he shall forfeit to the company the sum of \$20 for every offence.

Dangerous goods may be refused. (13) The company may refuse to take any package or parcel which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact. R. S. O. 1877, c. 165, s. 33.

ACTIONS FOR INDEMNITY, AND FINES AND PENALTIES AND
THEIR PROSECUTION.

42.—(1) All actions for indemnity for damage or injury sustained by reason of the railway, shall be instituted within six months next after the time of the supposed damage sustained, or if there be continuation of damage, then within six months next after the doing or committing such damage ceases, and not afterwards; and the defendants may plead not guilty by statute and give this Act and the special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act and the special Act. Limitation of actions for damages.

(2) All fines and forfeitures imposed by this Act or the special Act, or by any by-law, the levying and recovering of which are not particularly herein directed, shall, upon proof of the offence before any one or more justice or justices of the Peace for the district, county or place where the act occurred, either by the confession of the party, or by the oath or affirmation of any one credible witness, to be administered without fee or reward, be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal or hands and seals of such justice or justices. Fines how recovered.

(3) All fines, forfeitures and penalties, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the treasurer of the company, to be applied to the use thereof, and the overplus of the money so raised, after deducting the penalty and the expenses of the levying and recovering thereof, shall be returned to the owner of the goods so distrained and sold. How applicable.

(4) In case sufficient goods and chattels whereof to levy the penalty and expense are not found, the offender shall be sent to the common gaol for the county or district in which he has been convicted, there to remain without bail, for such term, not exceeding one month, as the justice or justices think proper, unless the penalty or forfeiture, and all expenses attending the same, are sooner paid and satisfied. R. S. O. 1877, c. 165, s. 34. When party may be committed.

43. No punishment for a contravention of this Act or of the special Act, by the company shall exempt the company from the forfeiture by this Act and the special Act, of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention. R. S. O. 1877, c. 165, s. 35. Punishment for contravention of this Act, etc., not to exempt Company from forfeiture.

GENERAL PROVISIONS.

44.—(1) Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and Provision as to the carriage of Her Majesty's mail, etc.

others travelling on Her Majesty's service, shall at all times, when thereunto required by Her Majesty's Postmaster General, the Commander of the Forces, or any person having the superintendence or command of any Police Force, and with the whole resources of the company if required, be carried on the railway, on such terms and conditions, and under such regulations as may be made by the Governor-General in Council or Lieutenant-Governor in Council, as the case requires.

Government to have exclusive use of telegraph.

(2) The Governor-General or Lieutenant-Governor as the case may be, or any person thereunto authorized by them respectively, may require the company to place any electric telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service.

Further enactments may be made.

(3) Any further enactments which the Parliament of Canada or the Legislature of this Province may make for the carriage of the mail or Her Majesty's Forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any electric telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the special Act.

Tenders must be advertised for.

(4) No contracts for works of construction or maintenance of railways, except works of ordinary repair, or of immediate necessity, shall be entered into until after tenders for such works respectively have been invited by public notice therefor, given for at least four weeks in some newspaper published in the place nearest to the work required to be done; but no company shall be compelled to accept any such tender.

Ten per cent. to be paid within three years from passing of Special Act.

(5) If the construction of the railway is not commenced, and ten per cent. on the amount of the capital is not expended thereon, within three years after the passing of the special Act, or if the railway is not finished and put in operation in ten years from the passing of the special Act, the corporate existence and powers of the company shall cease.

Account to be transmitted to the Provincial Secretary.

(6) After the opening of the railway or any part thereof to the public, and within the first fifteen days after the opening of each Session of the Legislature, an account shall be annually transmitted to the Provincial Secretary containing a detailed and particular account, attested upon oath of the president, or in his absence of the vice-president, of the moneys received and expended by the company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement.

Variation in form or details may be made.

(7) No further provisions which the Legislature may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the company.

(8) The Legislature may at any time annul or dissolve any corporation formed under this Act, but such dissolution shall not take away or impair any remedy given against any such corporation, its shareholders, officers or servants, for any liability which had been previously incurred.

And may dissolve any Corporation formed under this Act.

(9) Nothing herein contained shall affect in any manner the rights of Her Majesty, or of any person, or of any body politic, corporate or collegiate, such only excepted as are herein mentioned.

Saving of Her Majesty's rights, etc.

(10) No amendment or alteration in this Act shall be held to be an infringement of the rights of any company authorized to construct a railway by any Act passed on or since the 30th of August, 1851, or by any Act with which this Act is or may be incorporated. R. S. O. 1877, c. 165, s. 36.

No amendment of this Act to be deemed an infringement of the Company's rights.

PART SECOND.

APPLICATION OF SECTIONS.

45. Unless otherwise provided, the following sections and sub-section 4 of section 41, shall apply to every railway subject to the legislative authority of the Legislature of this Province, made or to be made in this Province. R. S. O. 1877, c. 165, s. 37.

Application.

46. In the construction of sections 51 to 76 inclusive, section 87 and sections 95 to 106 inclusive, of this Act, the expression "Railway Company" shall include any person being the owner or lessee of or contractor working any railway subject to the legislative authority of the Legislature of this Province and constructed or carried on under the powers of an Act of the Parliament of the late Province of Canada or Upper Canada or of the Legislature of this Province. R. S. O. 1877, c. 165, s. 38.

What the words "Railway Company" shall include.

PROCEEDINGS WHERE ADDITIONAL SPACE REQUIRED.

47. Where a railway company incorporated by, or subject to the authority of the Legislature of Ontario requires at a station or place on the line of such railway, more ample space for the convenient accommodation of the public and of the traffic on the railway than they then possess, or can take without the consent of the proprietors thereof, the company may cause a plan to be made of the additional ground required at

Proceedings where more space is required for the accommodation of the traffic.

the station or place for the purposes aforesaid, not being in actual use for similar purposes by any other railway company (and for the purpose of making such plan shall have the powers granted to railway companies for making surveys by section 9 of this Act), and may transmit the plan to the Commissioner of Public Works, with an application (supported by affidavit) on behalf of the company, referring to the plan and stating that certain ground shewn thereon is necessary for the purposes aforesaid, and that no other ground suitable for the purpose can be acquired at such place on reasonable terms and with less injury to private rights, and requesting the Commissioner to authorize the taking thereof for such purposes under this Act; of which application ten days' notice shall be given to the owner or possessor of the property, and the correctness of the plan and the truth of the allegations in the application shall be certified by the president or one of the directors of the company, and by their engineer; and the plan and statement shall be made and transmitted to the Commissioner in duplicate. R. S. O. 1877, c. 165, s. 39.

Certificate of Commissioner of Public Works required.

48. The Commissioner of Public Works shall inquire into the correctness of the plan and the truth of the allegations of the application aforesaid, and being satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary, in the public interest, that the ground shewn on such plan, or any less quantity, should be acquired by the company; and the certificate shall be annexed to one of the duplicates of the plan and statement, and the other duplicate shall remain in the office of the Commissioner. R. S. O. 1877, c. 165, s. 40.

Effect of such certificate, and application of certain provisions of this Act to the land certified as necessary.

49. Upon the granting of the certificate as aforesaid by the Commissioner of Public Works, and by virtue thereof, the company shall have power to take the ground shewn on the said plan as required for the purposes aforesaid, without the consent of the proprietors; and the company and all corporations or parties who could not otherwise convey the same to the company, shall have, with respect to any such ground, all the powers granted by sections 13 to 20 inclusive of this Act, to railway companies, corporations, and parties who could not otherwise convey the same, with respect to lands which may be taken without the consent of the proprietors thereof; and the enactments and provisions of the said sections, except such as refer to the map or plan and book of reference therein mentioned, or as limit the extent of land to be taken, shall apply and are hereby extended to the ground mentioned in the certificate of the Commissioner of Public Works, and to all the proceedings connected with or consequent upon the acquiring or taking of such ground or any part thereof, with or without the consent of the proprietors; and if at any time thereafter the company do not require the whole or any portion of the land acquired under this Act for

Sale of land taken and not afterwards required.

railway purposes, then such land as is not so required shall be sold by auction after thirty days' notice thereof in any local newspaper. R. S. O. 1877, c. 165, s. 41.

50. Such certificate as aforesaid, purporting to be signed by the Commissioner, shall be received as authentic in all Courts of justice, without proof of the signature or other evidence, unless its authenticity is called in question on behalf of the Crown. R. S. O. 1877, c. 165, s. 42.

INSPECTION OF RAILWAYS.

51. The Lieutenant-Governor in Council may appoint and authorize any proper person or persons, not exceeding three in number, whose duty it shall be from time to time to inspect all railways constructed or in course of construction, and every person so authorized may, at all reasonable times, upon producing his authority if required, enter upon and examine the railway and the stations, fences or gates, road crossings, cattle guards, works and buildings, and the engines, cars and carriages belonging thereto. R. S. O. 1877, c. 165, s. 43.

52. No railway or portion of a railway shall be opened for the public conveyance of passengers until one month after notice in writing of the intention to open the same has been given by the company to whom the railway belongs to the Commissioner of Public Works, and until ten days after notice in writing has been given by the company to the Commissioner, of the time when the railway or portion of railway will be, in the opinion of the company, sufficiently completed for the safe conveyance of passengers, and ready for inspection. R. S. O. 1877, c. 165, s. 44.

53. If a railway or portion of a railway be opened without such notices, the company to whom the railway belongs shall forfeit to Her Majesty the sum of \$200 for every day during which the same continues open, until the said notices have been duly given and have expired. R. S. O. 1877, c. 165, s. 45.

54. If the Railway Inspectors after inspection of a railway, report in writing to the Commissioner of Public Works that, in their opinion, the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the establishment for working the railway, together with the grounds of such opinion, the Commissioner, with the sanction of the Lieutenant-Governor in Council, may order postponement of opening of road so from time to time, as often as the Inspectors after further inspection thereof so report, may order and direct the company to whom the railway belongs to postpone the opening for a

period not exceeding one month at any one time, until it appears to the Commissioner, that such opening may take place without danger to the public. R. S. O. 1877, c. 165, s. 46.

Penalty for opening contrary to the order of the Commissioner.

55. If such railway, or any portion thereof, is opened contrary to such order or direction of the Commissioner, the company to whom the railway belongs shall forfeit to Her Majesty the sum of \$200 for every day during which the same continues open contrary to such order or direction. R. S. O. 1877, c. 165, s. 47.

When only such order to be binding on the Company.

56. No such order shall be binding upon a railway company unless there is delivered therewith to the company a copy of the report of the Inspectors on which the order is founded. R. S. O. 1877, c. 165, s. 48.

When any railway bridge condemned by Commissioner and Inspectors, what to be done.

57. When a bridge, culvert, viaduct, tunnel, fence, cattle guard, road crossing, or any other portion of a railway constructed or in course of construction, or a locomotive, car or carriage used or for use on a railway, has been condemned on the report of an Inspector by the Commissioner of Public Works, with the approval of the Lieutenant-Governor in Council, or when any change or alteration therein or in any part thereof, or the substitution of a new bridge, culvert, viaduct or tunnel, or of any material for the said railway, has been required by the Commissioner, with the approval of the Lieutenant-Governor in Council, the company to which the railway belongs, or the company using, running or controlling the same, shall, after notice thereof in writing, signed by the Commissioner, proceed to make good or remedy the defects in the said portions of the railway, or in the locomotive, car or carriage which have been so condemned, or shall make such change, alteration or substitution hereinbefore referred to as has been required in manner aforesaid by the Commissioner. R. S. O. 1877, c. 165, s. 49.

When Inspectors may forbid the running of trains, etc.

58. If, in the opinion of such Railway Inspector, it is dangerous for trains or vehicles to pass over a particular railway, or any portion of a railway, until alterations, substitutions or repairs have been made thereon, or that any particular car, carriage or locomotive should be run or used, the Inspector may forthwith forbid the running of any train or vehicle over such railway or portion of railway, or the running or using of any such car, carriage or locomotive, by delivering or causing to be delivered to the president, managing director, or secretary or superintendent of the company owning, running, or using the railway, or to any officer having the management or control of the running of trains on the railway, a notice in writing to that effect, with his reasons therefor, in which he shall distinctly point out the defects or nature of the danger to be apprehended. R. S. O. 1877, c. 165, s. 50.

59. The Inspector shall forthwith report the same to the Commissioner of Public Works, who, with the sanction of the Lieutenant-Governor in Council, may either confirm, modify or disallow the act or order of the Inspector, and such confirmation, modification or disallowance shall be duly notified to the railway company affected thereby. R. S. O. 1877, c. 165, s. 51.

Commission may modify report of Inspectors.

60. The Commissioner of Public Works may, with the sanction of the Lieutenant-Governor in Council, limit the number, or times of running, or rate of speed, of trains or vehicles upon the railway or portion of railway, until such alterations or repairs as he may think sufficient have been made, or until such time as he thinks prudent; and the company owning, running or using the railway shall comply forthwith with such order of the Inspector or of the Commissioner upon notice thereof as aforesaid; and for every act of non-compliance therewith every such railway company shall forfeit to Her Majesty the sum of \$2000. R. S. O. 1877, c. 165, s. 52.

When the Commissioner may regulate speed, etc.
Penalty for non-compliance.

61. Every railway company and the directors and officers thereof shall afford to such Inspector every information, and full and true explanations, so far as may be in their power or knowledge, on all matters inquired into by such Inspector, and submit to the Inspector all plans, specifications, drawings and documents relating to the construction or reconstruction, repair or state of repair of the railway or any portion thereof, whether a bridge, culvert or other part. R. S. O. 1877, c. 165, s. 53.

Companies to afford information to the Inspectors.

62. The Inspector shall have the right to use the telegraph wires and machinery in the offices of or under the control of such railway company, for the purpose of communicating with any of the officers of the company, or transmitting any order of such Inspector relating to the railway. R. S. O. 1877, c. 165, s. 54.

Inspectors may use telegraph wires; for what purposes.

63. The operators or officers employed in the telegraph offices of or under the control of the company, shall, without unnecessary delay, obey all orders of such Inspector for effecting such communications and transmitting messages for the purpose aforesaid, and any operator or officer refusing or neglecting so to do, shall forfeit for every offence the sum of \$40. R. S. O. 1877, c. 165, s. 55.

Operators and others to obey orders of Inspectors.

64. The authority of such Inspector shall be sufficiently evidenced by a paper in writing nominating him an Inspector of Railways, or of any railway in particular, signed by the Commissioner of Public Works. R. S. O. 1877, c. 165, s. 56.

Authority of Inspectors, how proved.

Lieutenant-Governor may order permanent bridges to be substituted for movable bridges.

65. The Lieutenant-Governor in Council, upon the report of the Commissioner of Public Works, may authorize or require any railway company to construct fixed and permanent bridges or to substitute such bridges in the place of the swing, draw or movable bridges on the line of the railway, within such time as the Lieutenant-Governor in Council directs; and for every day after the period so fixed during which the company uses such swing, draw or movable bridges, the company shall forfeit and pay to Her Majesty the sum of \$200; and it shall not be lawful for a company to substitute a swing, draw or other movable bridge in the place or stead of any fixed or permanent bridge already built and constructed, without the consent of the Lieutenant-Governor in Council previously had and obtained. R. S. O. 1877, c. 165, s. 57.

Certain powers vested in Commissioner, with respect to crossing public highways, on a level.

66. In any case where a railway commenced after the 27th day of May, 1857, is constructed across a turnpike road, street or other public highway, on the level, the Commissioner of Public Works, if it appears to him necessary for the public safety, may, with the sanction of the Lieutenant-Governor in Council, authorize and require the company to whom the railway belongs, within such time as the Commissioner directs, to carry the road, street or highway either over or under the railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to him the best adapted for removing or diminishing the danger arising from such level crossing; and all the provisions of law at such time applicable to the taking of land by railway companies, and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of land required for the construction of any works for effecting the alteration of such level crossing. R. S. O. 1877, c. 165, s. 58.

Railway may be required to repair any level crossing out of repair.

67.—(1) Where a level crossing on a railway is out of repair, the warden, mayor, reeve or other chief officer of the municipality within whose jurisdiction the crossing is situate, may serve a notice upon the company in the usual manner, requiring the repair to be forthwith made; and if the company does not forthwith make the same, such officer may transmit a copy of the notice so served to the Inspector of Railways; and thereupon it shall be the duty of the Inspector, with all possible despatch, to appoint a day when he will examine into the matter; and he shall, by mail, give notice to the warden, mayor, reeve, or other chief officer, and to the company, of the day he so fixes; and upon the day so named he shall examine the crossing; and a certificate under his hand shall be final on the subject so in dispute between the parties; and if the Inspector determines that any repairs are required, he shall specify the nature thereof in his certificate, and direct the company to make the same; and the

Inspector's certificate to be conclusive.

company shall thereupon, with all possible despatch, comply with the requirements of the certificate; and in case of default, the municipality within whose jurisdiction the said crossing is situate, may make the repairs, and may recover all costs, expenses and outlays in the premises by action against the company in any Court of competent jurisdiction, as money paid to the company's use.

(2) Neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to the company in the premises. Proviso. R. S. O. 1877, c. 165, s. 59.

68. No inspection had under this Act, nor anything in this Act contained or done or ordered, or omitted to be done or ordered, under or by virtue of the provisions of this Act, shall relieve or be construed to relieve a railway company of or from any liability or responsibility resting upon it by law either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, or other personal representative of any person for anything done or omitted to be done by the company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance of the company, or in any manner or way to lessen the liability or responsibility, or in any way to weaken or diminish the liability or responsibility of such company under the existing laws of the Province. Inspection not to relieve Company from liability. R. S. O. 1877, c. 165, s. 60.

69. Every railway company shall, as soon as possible after the receipt of any order or notice of the Commissioner of Public Works, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in section 89 of this Act. Company to notify orders of Commissioner to its officers, etc. R. S. O. 1877, c. 165, s. 61.

70. All orders of the Commissioner shall be considered as made known to the railway company by a notice thereof signed by him, and delivered to the president, vice-president, managing director, secretary or superintendent of the company, or at the office of the company. What to be deemed sufficient notice thereof. R. S. O. 1877, c. 165, s. 62.

71. Every railway company shall, as soon as possible, and at least within forty-eight hours after the occurrence upon the railway belonging to the company of any accident attended with serious personal injury to any person using the same, or whereby a bridge, culvert, viaduct or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the Commissioner of Public Works; and any company which wilfully omits to give such notice, shall forfeit to Her Majesty the sum of \$200 for every day during which the omission to give the same continues. Notice of accidents to be given to the Commissioner of Public Works. R. S. O. 1877, c. 165, s. 63.

Return of accidents to be made semi-annually.

72. Every railway company shall, within ten days after the first days of January and July, in each and every year, make to the Commissioner of Public Works, under the oath of the president, secretary or superintendent of the company, a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the railway of the company during the half year next preceding each of the said periods respectively, setting forth—

1. The causes and natures of such accidents and casualties ;
2. The points at which they occurred, and whether by night or by day ;
3. The full extent thereof, and all particulars of the same ; and shall also at the same time return a true copy of the existing by-laws of the company, and of their rules and regulations for the management of the company and of their railway. R. S. O. 1877, c. 165, s. 64.

Form to be appointed by the Commissioner.

73. The Commissioner of Public Works may order and direct, from time to time, the form in which such returns shall be made up, and may order and direct any railway company to make up and deliver to him from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the railway belonging to such company, whether attended with personal injury or not, in such form and manner as the Commissioner deems necessary and requires for his information with a view to the public safety. R. S. O. 1877, c. 165, s. 65.

Penalty for neglect.

74. If the returns so verified are not delivered within the respective times herein prescribed, or within fourteen days after the same have been so required by the Commissioner, every company making default shall forfeit to Her Majesty the sum of \$100 for every day during which the company neglects to deliver the same. R. S. O. 1877, c. 165, s. 66.

Such returns to be privileged communications.

75. All such returns shall be privileged communications, and shall not be evidence in any Court whatsoever. R. S. O. 1877, c. 165, s. 67.

RAILWAY INSPECTION FUND.

Railway Inspection Fund.

76. From the 27th day of May, 1857, every railway then or thereafter constructed shall, so soon as any portion thereof is in use, pay to the Treasurer of the Province an annual rate to be fixed by the Lieutenant-Governor in Council, not exceeding \$10 per mile of railway constructed and in use ; such rate to be paid half-yearly on the first days of January and July in each year, and to form a special fund for the purposes of this Act, to be called "The Railway Inspection Fund." R. S. O. 1877, c. 165, s. 68.

TRAFFIC ARRANGEMENTS.

77. The directors of any railway company may at any time, and from time to time, make and enter into any agreement or arrangement with any other company, either in this Province or elsewhere, for the regulation and interchange of traffic passing to and from the railways of the said companies, and for the working of the traffic over the said railways respectively, or for either of those objects separately, and for the division and apportionment of tolls, rates and charges in respect of such traffic, and generally in relation to the management and working of the railways, or any of them, or any part thereof, and of any railway in connection therewith, for any term not exceeding twenty-one years, and to provide, either by proxy or otherwise, for the appointment of a joint committee or committees for the better carrying into effect such agreement or arrangement, with such powers and functions as may be considered necessary or expedient, subject to the consent of two-thirds of the shareholders, voting in person or by proxy; but the provisions of this section shall not apply to anything done before the 30th day of June, 1858. R. S. O. 1877, c. 165, s. 69.

One Company may agree with another respecting traffic.

78 —(1) Every railway company shall, according to their respective powers, afford all reasonable facilities to any other railway company for the receiving and forwarding and delivering of traffic upon and from the several railways belonging to or worked by such companies respectively, and for the return of carriages, trucks, and other vehicles; and no such company shall give or continue any preference or advantage to or in favour of any particular company, or any particular description of traffic, in any respect whatsoever, nor shall such company subject any particular company or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever; and every railway company having or working a railway which forms part of a continuous line of railway, or which intersects any other railway or which has a terminus, station or wharf of the one near a terminus, station or wharf of the other, shall afford all due and reasonable facilities for receiving and forwarding by the one of such railways, all the traffic arriving by the other, without any unreasonable delay and without any such preference or advantage, or prejudice or disadvantage as aforesaid, and so that no obstruction may be offered in the using of such railway as a continuous line of communication, and so that all reasonable accommodation may at all times, by the means aforesaid, be mutually afforded by and to the said several railway companies.

Railway Companies must afford each other every facility for the forwarding of traffic, without preference or favour.

Agreements made in contravention of this section, to be void.

(2) Any agreement between any two or more railway companies contrary to the foregoing provisions, made since the 18th day of May, 1861, or after the passing of this Act, shall be unlawful, null and void. R. S. O. 1877, c. 165, s. 70.

Penalty on Companies or their officers refusing or neglecting to forward traffic, as above required.

79. If any officer, servant or agent of a railway company, having the superintendence of the traffic at any station or depot thereof, refuses or neglects to receive, convey or deliver at any station or depot of the company for which they may be destined, any passenger, goods or things, brought, conveyed or delivered to him or to such company, for conveyance over or along the railway from that of any other company, intersecting or coming near to such first-mentioned railway, or in any way wilfully contravenes the provisions of the next preceding section—such first-mentioned railway company, or such officer, servant or agent, personally, shall, for every such neglect or refusal, incur a penalty not exceeding \$50 over and above the actual damages sustained; which penalty may be recovered with costs, in a summary way, before any Justice of the Peace, by the railway company or any other party aggrieved by such neglect or refusal, and to and for the use and benefit of such company or other party so aggrieved. R. S. O. 1877, c. 165, s. 71.

How recoverable, and how to be applied.

Interpretation of word "Traffic,"

80. For the purposes of the next preceding two sections—

1. "Traffic" shall include not only passengers and their baggage, goods, animals and things conveyed by railway, but also cars, trucks and vehicles of any description adapted for running over any railway;

"Railway,"

2. "Railway" shall include all stations and depots of the railway;

"Railway Company," etc.

3. "Railway Company" shall include all parties owning, leasing or working any railway;

and a railway shall be deemed to come near another when some part of the one is within one mile of some part of the other. R. S. O. 1877, c. 165, s. 72.

APPOINTMENT OF RAILWAY CONSTABLES.

Constables may be appointed to act on the line of any railway.

81.—(1) The Justices of the Peace for any county assembled at any General Sessions of the Peace, on the application of the board of directors of any railway company whose railway passes within the local jurisdiction of such Justices of the Peace, or on the application of any clerk or agent of the company thereto authorized by such board, may, in their discretion, appoint any persons recommended to them for that purpose by such board of directors, clerk or agent, to act as constables on and along such railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:

"I, A. B., having been appointed a Constable to act upon and along Oath of office.
 "(here name the Railway), under the provisions of *The Railway Act of*
Ontario, do swear that I will well and truly serve our Sovereign Lady
 "the Queen, in the said office of Constable, without favour or affection,
 "malice or ill-will, and that I will, to the best of my power, cause the
 "peace to be kept, and prevent all offences against the peace, and that
 "while I continue to hold the said office, I will, to the best of my skill
 "and knowledge, discharge the duties thereof faithfully, according to law :
 "So help me God."

(2) Such oath or declaration shall be administered by any By whom to be administered.
 one such Justice. R. S. O. 1877, c. 165, s. 73.

82. Every constable so appointed, and having taken such Powers of such constables, and to what localities they shall extend.
 oath or made such declaration as aforesaid, shall have full
 power to act as a constable for the preservation of the peace
 and for the security of persons and property against felonies
 and other unlawful acts on such railway, and on any of the
 works belonging thereto, and on and about any trains, roads,
 wharves, quays, landing-places, warehouses, lands and premises
 belonging to the company, whether the same be in the county,
 city, district or other local jurisdiction within which he was
 appointed, or in any other place through which the railway
 passes, or in which the same terminates, or through or to which
 any railway passes which is worked or leased by such railway
 company, and in all places not more than one quarter of a mile
 distant from the railway; and shall have all the powers, pro-
 tections and privileges for the apprehending of offenders, as
 well by night as by day and for doing all things for the pre-
 vention, discovery and prosecution of felonies and other
 offences, and for keeping the peace, possessed by any constable
 duly appointed. R. S. O. 1877, c. 165, s. 74.

83. It shall be lawful for such constable to take such Duties of such constables.
 persons as may be punishable by summary conviction for any
 offence against the provisions of this Act, or of any of the
 Acts or by-laws affecting such railway, before any Justice or
 Justices appointed for any county, city, district or other local
 jurisdiction within which such railway passes; and every
 such Justice shall have authority to deal with all such cases, as
 though the offence had been committed and the person taken
 within the limits of his own local jurisdiction. R. S. O. 1877,
 c. 165, s. 75.

84. Any two Justices of the Peace may dismiss any such Dismissal of any such constable.
 constable who may be acting within their several jurisdictions;
 and the board of directors of the railway company, or any
 clerk or agent of the company thereto authorized by the
 board, may dismiss any such constable who may be acting on
 the railway; and upon such dismissal, all powers, protections
 and privileges belonging to such person, by reason of such
 appointment, shall wholly cease; and no person so dismissed
 shall be again appointed or act as a constable for such railway
 without the consent of the authority by which he was dis-
 missed. R. S. O. 1877, c. 165, s. 76.

Record of ap-
pointment of
such constable
to be kept.

85. Every such railway company shall cause to be recorded, in the office of the clerk of the peace for every county, or other local jurisdiction wherein such railway or railways pass, the name and designation of every constable so appointed at their instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of such constable, the date thereof and the authority making the same within one week after the date of such appointment or dismissal, as the case may be; and every such clerk of the peace shall keep such record in a book in such form as the Lieutenant-Governor in Council directs, and open to public inspection, charging such fee or fees only as the Lieutenant-Governor in Council authorizes. R. S. O. 1877, c. 165, s. 77.

Fees.

Punishment of
constables
guilty of ne-
glect of duty.

86. Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof within any county, city, district or other local jurisdiction wherein such railway passes, to a penalty of not more than \$80, the amount of which penalty may be deducted from any salary due to such offender, if such constable is in receipt of a salary from the railway company, or to imprisonment, with or without hard labour, for not more than two months, in the gaol of such county, city, district or other local jurisdiction. R. S. O. 1877, c. 165, s. 78.

GENERAL PROVISIONS.

Companies to
make by-laws
for regulation
of conductors
and other
officers, etc.

87. Every railway company shall make such by-laws, rules and regulations, to be observed by the conductors, engine-drivers, and other officers and servants of the company, and by all other companies and persons using the railway of such company, and such regulations with regard to the construction of the carriages and other vehicles, to be used in the trains on the railway of the company, as are requisite for ensuring the perfect carrying into effect of the provisions of this part of this Act and the orders and regulations of the Lieutenant-Governor in Council. R. S. O. 1877, c. 165, s. 79.

Company may
impose for-
feiture for con-
travention of
by-laws.

88. Any railway company may, by a by-law, impose upon any officer, servant, or person, who, before the contravention of such by-law has had notice thereof, and is employed by the company, a forfeiture to the company of not more than thirty days' pay of such officer or servant, for any contravention of such by-law, and may retain such forfeiture out of the salary or wages of the offender. R. S. O. 1877, c. 165, s. 80.

How notice of
by-laws or
orders may be
proved.

89. The notice of the by-law or of any order or notice of the Commissioner of Public Works may be proved by proving the delivery of a copy thereof to the officer, servant or person, or that he signed a copy thereof, or that a copy thereof was posted in some place where his work or his duties, or some of them, were to be performed. R. S. O. 1877, s. 165, s. 81.

90. Such proof, with evidence of the contravention, shall be a defence to the company in any action for the recovery from it of the amount so retained. R. S. O. 1877, c. 165, s. 82.

When such proof, etc., to be a defence for the Company.

91. No such company shall cause an obstruction in or impede the free navigation of any river, stream or canal to or across or along which their railway is carried. R. S. O. 1877, c. 165, s. 83.

Company not to impede navigation.

92. If the railway is carried across a navigable river or canal, the company shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct the draw-bridge or swing-bridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swing-bridge or draw-bridge, as the Lieutenant-Governor in Council from time to time may determine. R. S. O. 1877, c. 165, s. 84.

Railways crossing rivers, etc., regulated.

93. It shall not be lawful for such company to construct any wharf, bridge, pier or other work upon or over a navigable river, lake or canal, or upon the beach or bed or lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the Lieutenant-Governor in Council, and the same has been by him approved; and no deviation from such approved site and plan shall be made without his consent. R. S. O. 1877, c. 165, s. 85.

Plans to be submitted to the Lieutenant-Governor in Council.

94. Nothing contained in the last preceding three sections, shall be construed to limit or affect any power expressly given to any railway company by its special Act of incorporation or any special Act amending the same. R. S. O. 1877, c. 165, s. 86.

Exception where special powers given by the Special Act.

95. Where a railway passes a draw or swing bridge over a navigable river, canal or stream, which is subject to be opened for the purposes of navigation, the trains shall in every case be stopped at least three minutes, to ascertain from the bridge-tender that the bridge is closed and in perfect order for passing, and in default of so stopping during the full period of three minutes the railway company shall be subject to a fine or penalty of \$400. R. S. O. 1877, c. 165, s. 87.

When a railway passes over a swing bridge, etc., train to stop for three minutes.

96. Every railway company which runs trains upon the railway, for the conveyance of passengers, shall provide and cause to be used in and upon such trains such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the engine-drivers of such trains while the trains are in motion, and good and sufficient means of applying by the power of the steam-engine or otherwise at the will of the engine-driver, or other person appointed to such duty, the brakes to the truck-

Company to use the best apparatus for communication between conductors and engine-drivers, and for stopping or disconnecting cars, fixing seats in cars, etc.

wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains, and of disconnecting the locomotive, tender, and cars or carriages from each other by any such power or means, and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages, and shall alter such apparatus and arrangements or supply new apparatus and arrangements from time to time as the Commissioner of Public Works, with the sanction of the Lieutenant-Governor in Council, may order. R. S. O. 1877, c. 165, s. 88.

Forfeiture for not complying with section 96.

97. Every railway company which fails to comply with any of the provisions contained in the last preceding section of this Act shall forfeit to Her Majesty a sum not exceeding \$200 for every day during which such default continues. R. S. O. 1877, c. 165, s. 89.

Further precautions at level crossings.

98. Every railway company shall station an officer at every point on their line crossed on a level by any other railway, and no train shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear. R. S. O. 1877, c. 165, s. 90.

Further precautions when one railway crosses another on a level;

99. Every locomotive or railway engine or train of cars, on any railway, shall, before it crosses the track of any other railway on a level, be stopped for the space of at least three minutes. R. S. O. 1877, c. 165, s. 91.

Or runs through a city, town, etc.

100. No locomotive or railway engine shall pass in or through a thickly peopled portion of a city, town or village, at a speed greater than six miles per hour, unless the track is properly fenced. R. S. O. 1877, c. 165, s. 92.

Or moves reversely.

101. Whenever a train of cars is moving reversely in a city, town or village, the locomotive being in the rear, the company shall station on the last car in the train a person who shall warn parties, standing on or crossing the track of the railway, of the approach of such train, under a penalty of \$100 for any contravention of the above provisions. R. S. O. 1877, c. 165, s. 93.

Foot passengers to use foot bridge, if provided for that purpose at level crossings.

102. If the Commissioner of Public Works orders a railway company to erect at or near or in lieu of any level crossing of a turnpike road, or other public highway, a foot-bridge or foot-bridges over their railway, for the purpose of enabling persons passing on foot along such turnpike road or public highway to cross the railway by means of such bridge or bridges, then, from and after the completion of such foot-bridge or foot-bridges so required to be erected, and while the company keeps the same in good and sufficient repair, such level crossing shall

not be used by foot passengers on the said turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road. R. S. O. 1877, c. 165, s. 94.

103. No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway within a half mile of the intersection of such highway with any railway on grade, unless the cattle are in charge of some person or persons to prevent their loitering or stopping on such highway at such intersection. R. S. O. 1877, c. 165, s. 95.

No cattle to be allowed to be at large on any highway within half a mile of any Rail-way.

104. All cattle found at large in contravention of the last preceding section may, by any person finding the same at large, be impounded in the nearest pound to the place where the same are so found, and the pound-keeper with whom the same are so impounded shall detain the same in the like manner, and subject to the like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property. R. S. O. 1877, c. 165, s. 96.

Such cattle may be impounded.

105. No person, any of whose cattle being at large, contrary to the provisions of section 103 of this Act, are killed by a train at such point of intersection, shall have any action against a railway company in respect to the same being so killed. R. S. O. 1877, c. 165, s. 97.

If killed, owner not entitled to any action.

106. At every road and farm crossing on the grade of the railways in this Province, the crossings shall be sufficiently fenced on both sides of such points, so as to allow the safe passage of the trains. R. S. O. 1877, c. 165, s. 98.

Crossings to be fenced.

107. Every railway company, whether any of the clauses or provisions of this Act are or are not incorporated with the Act incorporating the company, shall cause all cleared land or ground adjoining their railway and belonging to the company to be sown or laid down with grass or turf, and cause the same as far as may be in their power to be covered with grass or turf, if not already so covered, and cause all thistles and other noxious weeds growing on the land or ground to be cut down, and kept constantly cut down, or to be rooted out of the same. R. S. O. 1877, c. 165, s. 99.

Ground adjoining any Railway and belonging to the Company to be laid down with grass and cleared of weeds, etc.

108. If a railway company fails to comply with the requirements of the last preceding section within twenty days after they have been required to comply with the same, by notice from the mayor, reeve or chief officer of the municipality of the township or county in which the land or ground lies, the company shall thereby incur a penalty of \$2 to the use of the municipality, for each day during which they neglect to do any thing which they are lawfully required to do.

Consequences of omitting to do so.

by the notice, and the said mayor, reeve or chief officer may cause all things to be done which the company were lawfully required to do by the notice, and for that purpose may enter by himself and his assistants or workmen upon the lands or grounds, and such municipality may recover the expenses and charges incurred in so doing and the said penalty, with costs of suit, in any Court having jurisdiction in civil cases to the amount sought to be recovered. R. S. O. 1877, c. 165, s. 100.

INTEREST OR RENT, WHEN TO BE DEEMED WORKING EXPENSES.

Interest of purchase money or rent of property necessary for working a Railway, to be deemed part of its working expenses.

109. The interest of the purchase money or rent of any real property acquired or leased by a railway company, and necessary to the efficient working of the railway, and the price or purchase money of any real property or thing without which the railway could not be efficiently worked, shall be considered to be part of the expenses of working the railway, and shall be paid as such out of the earnings of the railway. R. S. O. 1877, c. 165, s. 101.

The Company may pay penalty and deduct from wages.

R. S. C. c. 109.

110. The company may in all cases under this Act, or under *The Railway Act* of Canada, pay the amount of any penalty and costs imposed upon an officer, servant, or person in the employ of the company, and recover the same from the offender or deduct it from his salary or pay. R. S. O. 1877, c. 165, s. 102.

How penalties recovered and applied.

111. All penalties incurred under any of the sections of this Act in section 46 referred to, may be recovered in the name of Her Majesty, by Her Majesty's Attorney General for Ontario, in any Court having competent jurisdiction thereover; and all penalties recovered under the other sections of this Act shall, unless otherwise herein expressly provided, be paid to the Treasurer of the Province to the credit of "The Railway Inspection Fund." R. S. O. 1877, c. 165, s. 103.

CHAPTER 171.

An Act to authorize the construction of Street Railways.

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|---|--|
| SHORT TITLE, s. 1. | FORFEITURE BY NON-USER, s. 14. |
| INTERPRETATION, s. 2. | USE BY ONE COMPANY OF RAILWAY OF ANOTHER, s. 15. |
| INCORPORATION, s. 3. | EXPROPRIATION OF LAND, s. 16. |
| POWERS, s. 4. | APPLICATION OF SEC. 546 OF MUNICIPAL ACT, s. 17. |
| MODE OF LAYING RAILS, s. 5. | TIME FOR WHICH PRIVILEGES MAY BE GRANTED BY MUNICIPALITY, s. 18. |
| USE OF TRACKS, s. 6. | RIGHTS OF MUNICIPALITIES AS TO PURCHASE, ETC., ss. 18-22. |
| REPAIR OF STREETS AND TRACKS, ss. 7, 8. | BY WHOM POWERS MAY BE EXERCISED, s. 23. |
| FARES, ss. 9, 10. | APPLICATION OF ACT, s. 24. |
| USE OF SLEIGHS, s. 11. | APPLICATION OF RAILWAY ACT, s. 25. |
| MUNICIPAL REGULATIONS, s. 12. | |
| AGREEMENTS BETWEEN MUNICIPALITIES AND COMPANIES AS TO CONSTRUCTION, REPAIRS, ETC., s. 13. | |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. This Act may be cited as "*The Street Railway Act.*" 46 Short title.
V. c. 16, s. 1.
2. In this Act "street" shall include any highway. 46 V. Interpretation.
c. 16, s. 2.
3. The Lieutenant-Governor in Council may, by letters patent under the great seal, grant a charter under *The Ontario Joint Stock Companies' Letters Patent Act*, incorporating a company for the purpose of constructing and working a street railway or lines of street railway in any local municipality, or in two or more adjoining local municipalities. 46 V. c. 16, s. 3. Incorporation under Rev. Stat. c. 157.
- 4.—(1) Every such company shall, subject to any provisions contained in the charter, or in its by-laws, have authority to construct, maintain, complete, and operate (on all days except Sundays), and from time to time to remove and change as required, a double or single iron railway, with necessary side tracks and turn-outs, for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the streets in any municipality to which its charter extend, as the council of the municipality may by by-law authorize, and over and upon lands purchased or leased by the com- Powers of company.

pany for that purpose, and to take, transport and carry passengers upon the same, by the force or power of animals, or by such other motive power as the company thinks proper, and as the municipal council authorizes, and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith.

(2) The company may also carry freight, if so authorized by a by-law of the municipality.

Rev. Stat. c.
170.

(3) In case steam is the motive power employed, and if the railway or part of the railway is situate within a township municipality, section 30 of *The Railway Act of Ontario*, shall apply to the railway.

(4) The said section of the Railway Act shall apply to every street railway heretofore constructed, and to every street railway heretofore incorporated under any special Act, or otherwise, as respects any and every expropriated parcel of land, except where the owners of the land and the company have made or shall make any agreement inconsistent with the rights given to the owners by the said section of the Railway Act. 46 V. c. 16, s. 4.

Mode of lay-
ing rails.

5. The rails of the railway shall be laid (as nearly as practicable) flush with the streets, and the railway track shall conform to the grades of the same, and shall be laid so as to cause the least possible impediment to the ordinary traffic of the streets. 46 V. c. 16, s. 5.

Use of tracks
by other vehi-
cles than those
of the com-
pany.

6. All other ordinary vehicles may use and travel in the said tracks, provided they do not interfere with or impede the running of the cars, or other conveyances of the company; and in all cases any carriage or other vehicle on the track shall immediately, by leaving the track, give place to the cars, or other conveyances of the company. 46 V. c. 16, s. 6.

Repair, etc., of
streets by
company.

7. Unless otherwise agreed upon between the company and the council of the municipality in which the railway or any part of it is laid, the company shall, at its own expense, keep clean and in proper repair, the street, between the rails, and for eighteen inches on each side of the rails; and in default the council may cause the same to be done at the expense and proper cost of the company. 46 V. c. 16, s. 7.

Rails to be
kept flush
with streets.

8. The municipal corporation shall keep, or shall require the company to keep, the rails as nearly as practicable flush with the streets, and so as to cause the least possible impediment to the ordinary traffic of the streets. 46 V. c. 16, s. 8.

Rates of fare.

9.—(1) The fares to be taken by the company shall not exceed, for each passenger five cents for any distance not exceeding three miles and shall not exceed one cent per mile for any addi-

tional distance. Children under ten years of age shall be carried for three miles for three cents, and for any additional distance at the rate of half a cent per mile: but the company may, with the consent of the council, charge double the said rates of fare between the hours of seven o'clock in the afternoon and seven o'clock in the forenoon.

(2) The rates hereinbefore limited shall apply wherever the passenger is carried only within the limits of the municipality; where he is carried from one municipality into another, or others, a fare double the said rates may be charged, unless the company and any municipality otherwise agree: provided that in no case shall a greater charge be made than at the rate of three cents per mile for adults and one and a half cents per mile for children. Children in arms to be in all cases carried free. 46 V. c. 16, s. 9.

10. The fare shall be due and payable by every passenger on entering the car, or other conveyance, and any person refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car, or other conveyance upon being requested so to do, shall be liable to a fine of not more than \$10, besides costs; and the same shall be recoverable before any Justice of the Peace. 46 V. c. 16, s. 11.

Payment of fare.

11. Subject to any agreement between the company and the council, the company may substitute sleighs, or other conveyances, for the railway carriages upon the route of their railway, as occasion may require. 46 V. c. 16, s. 10.

Use of sleighs, etc.

12. The council of the municipality in which a railway or part of railway is laid may pass by-laws:

Municipal regulations respecting matters affecting railway.

1. For facilitating the running of the company's cars, sleighs and other conveyances;

2. For regulating the traffic and conduct of all persons travelling upon the streets and highways upon which the railway is laid;

3. For exempting the property of the company from taxation for any period not exceeding ten years;

4. For renewing such exemption for a further period not exceeding ten years;

5. For exempting from taxation for a like period of ten years, the income derived by the shareholders of the company;

6. For providing for the safety and convenience of passengers, and the conduct of the agents and servants of the company; and

7. For preventing the obstructing or impeding of the ordinary traffic and for compelling vehicles on the track to give place to the cars, or other conveyances of the company. 46 V. c. 16, s. 12.

Agreements between municipality and company as to construction, street repairs, etc.

13. The company and the council of any municipality in which a railway or part of a railway is laid may, amongst other things, enter into any agreements they think advisable relating to the construction of the railway; the time within which the road shall be commenced, the manner of proceeding therewith and the time of its completion; the paving macadamizing, repairing, grading and cleaning of the streets upon which the railway is laid; the construction, opening and repairing of drains and sewers; the laying, repairing or taking up of gas and water pipes in the streets; the location of the railway, and the particular streets along which the same may be laid; the pattern of rails and the gauge of the railway; the time and speed of running the cars, sleighs and other conveyances; the fares to be charged within the maximum hereinbefore mentioned, and the amount of license (if any) to be paid by the company annually or otherwise. 46 V. c. 16, s. 13.

Forfeiture by non-user.

14. In case the company shall at any time cease to regularly use the whole or any part of their railway for a period of six months, they shall forfeit the right to use the railway or the part unused, as the case may be, together with the rails thereon, which shall become the property of the municipal corporation within whose territory the railway or such part is situated, and the company shall, in addition, indemnify the municipality in respect of all costs incurred in taking up the rails and putting the streets in proper repair; but this section is subject to any agreement between the company and corporation in respect of the said matters. 46 V. c. 16, s. 14.

Provisions for use by one company of railway of another company and the compensation therefor.

15.—(1) Where there are more companies than one in any municipality and the council of the municipality is of opinion that it is in the public interest that any company should have the right to use a portion of the railway of another company, and if—after notice to the proprietor company, so that it may be heard in opposition—the council passes a resolution declaring such opinion, the said company shall have such right, and shall pay therefor such annual sum, or such proportion of the cost of maintenance as may be agreed upon between the companies, or, in case they cannot agree, as may be awarded by the majority of three arbitrators, one to be named by each of the companies and the other by the two so named; but no company shall have the right to use the track of any other company for a greater distance, on any one street, than two hundred yards, without the consent of the proprietor company.

(2) If for seven days after having received notice in writing of the appointment of an arbitrator, the company notified omits to appoint an arbitrator, or, if for seven days after the second arbitrator has been appointed the two arbitrators omit to appoint a third arbitrator, the Judge of the County Court of the county in which the municipality is situated may appoint an arbitrator for the party in default, or a third arbitrator, as the case may require. The arbitrators shall have authority to

determine by whom, or in what proportion, the costs of the arbitration, reference and award shall be paid.

(3) In case the company using such right is in default in respect of any payment under the agreement or award, the said company shall have no right to run over the said portion of road so long as the default continues: provided that in case there is a dispute as to the amount actually owing, the company enjoying the right of user may apply to the Judge of the County Court for an order that it should continue to have such right; which order the Judge may make, upon such terms and conditions as to security and otherwise as he deems just; and the Judge may rescind, or from time to time vary, such order, as occasion may require.

(4) If the part used is partly in each of two or more counties, the application shall be made to the Judge of the county in which the greater portion of the part used is situate, or to the Judge for the time being acting for him in the county.

(5) From time to time, after an agreement or award has been in force for five years, either company may give notice of its desire to terminate the arrangement, and thereupon the companies shall settle anew, by agreement, or by arbitration under this Act, the amount or proportion to be paid, and upon a new agreement being entered into, or a new award made, the former arrangement shall cease.

(6) A street railway company may, with the consent, by by-law, of the local municipal council, and subject to any terms in the by-law set out, cross the line of any street railway company; but shall pay the expense of altering the rails so as to permit thereof.

(7) In case a street railway company desires to cross the line of a railway company, within the legislative authority of this Province, not being a street railway company, and such company objects, the street railway company shall first obtain the sanction of the Commissioner of Public Works to the proposed crossing, and the mode of construction thereof. The street railway company shall pay the expense of altering the rails of the line intended to be crossed, so as to permit of such crossing. The Commissioner shall, before giving his sanction, give to the objecting company an opportunity to be heard, and may impose such terms as to cost of maintenance, and as to other matters in connection therewith, as he deems proper. 46 V. c. 16, s. 15.

16.—(1) In case the council of a municipality shall, by resolution, declare that the council is of opinion that a company incorporated with power to construct a railway in the municipality should have powers of expropriation for the purpose of building a part of its railway between two or more points, set forth in the resolution, and situated within the municipality, and if the Judge of the County Court of the

Expropriation
of land, when
and to what
extent al-
lowed.

Rev. Stat. c.
170. ss. 11-20.

county certifies that in his opinion the building of the proposed railway between the said points will be of considerable public advantage or convenience,—the company, upon registering the resolution and certificate in the proper registry office, shall, in respect of lands lying between the points named, possess the powers conferred upon railway companies under sections 11 to 20 inclusive of *The Railway Act of Ontario*.

(2) Such powers shall be exercised within two years from the passing of the resolution, and not afterwards, and the lands to be taken hereunder shall not exceed one chain in width.

(3) The arbitrators, besides awarding to the owner the amount which they find to be the value of the land, shall award ten per centum of the amount so found in addition, and they shall in their award state what they find to be the value of the land, as well as the total amount to be paid to compensate the owners or for damages.

(4) The provisions of this section shall not apply to the tract of country extending three miles above and three miles below the Falls of Niagara, and for a width inland of one mile from the said River Niagara. 46 V. c. 16, s. 16.

Rev. Stat. c.
184. s. 546, to
apply to cer-
tain by-laws
and resolu-
tions.

17. The by-law mentioned in section 4, and the resolutions mentioned in sections 15 and 16, are subject to the conditions and provisions of section 546 of *The Municipal Act*. 46 V. c. 16, s. 17.

Time for
which munici-
pality may
grant privi-
leges.

Municipality
may assume
the ownership.

18.—(1) No municipal council shall grant to a street railway company any privilege under this Act for a longer period than twenty years, but at the expiration of twenty years from the time of passing the first by-law which is acted upon, conferring the right of laying rails upon any street, or at such other earlier date as may be fixed by agreement, the municipal corporation may, after giving six months' notice prior to the expiration of the period limited, assume the ownership of the railway, and all real and personal property in connection with the working thereof, on payment of the value thereof, to be determined by arbitration.

(2) In case the corporation fails to exercise the right of assuming the ownership of the railway, at the expiration of the said period, the corporation may exercise such right at the expiration of any fifth year thereafter, upon giving one year's notice to the company, and the privileges of the company shall continue until the ownership is assumed by the municipal council. 46 V. c. 16, s. 18.

Mode in which
right to pur-
chase to be ex-
ercised as be-
tween different
municipalities
interested.

19. If the company's line or lines is or are situated in two or more municipalities, the municipality in which the greater mileage of the company's line or lines is or are situate shall have the right to exercise the power of purchase herein conferred, unless the municipal councils shall agree otherwise between themselves; and the corporation purchasing shall

thereafter possess all the powers and authority theretofore enjoyed by the company, and shall, as to other municipalities into which the line runs, be subject to the like liabilities; provided that where the municipalities are not all of the same character, they shall, independently of the length of mileage, exercise the right of purchase in the following order of preference, namely: first, a city; second, a town; third, a village; fourth, a township. 46 V. c. 16, s. 19.

20.—(1) The council of a municipality into which a railway runs may, at any time after the right of assuming the ownership of the railway accrues to such municipality, or to any other municipality, require that the terms upon which the railway shall be operated in such municipality be determined by arbitration under *The Municipal Act*, and the terms, unless the parties in the meantime agree, shall be settled accordingly, and such arrangement shall remain in force for ten years.

Municipality dissatisfied with terms as to railway in certain cases, may require an arbitration.
Rev. Stat. c. 184.

(2) At the end of that period either party may require that the terms be settled anew in like manner for another period of ten years; but such settlement or agreement shall be without prejudice to the right hereinbefore conferred upon a municipality to assume the ownership of the railway at the expiration of any fifth year. 46 V. c. 16, s. 20.

21. A company to which any lines of railway have been transferred by a municipal corporation, shall, as respects the provisions of the next preceding section, stand in the same position as the municipal corporation from which it received such transfer. 46 V. c. 16, s. 21.

Application of preceding section.

22. The municipal corporation purchasing may, at any time, transfer its rights to its railway lines or any of them, and the whole or any part of the plant of the railway to any railway company authorized to operate a railway: subject, however, to the provisions of section 18 as to such railway and plant being assumed by a municipal corporation, entitled under that section, at the expiration of twenty years, or of such shorter period as may be agreed upon. 46 V. c. 16, s. 22.

Municipality acquiring railway may transfer same to a company.

23. Any private person or firm may, subject to the like conditions, exercise any of the powers which, under this Act, may be exercised by a company. 46 V. c. 16, s. 23.

Who may exercise powers hereunder.

24. Nothing in this Act contained shall apply to or affect any street railway company existing or incorporated before the first day of February, 1883, except only sub-section 4 of section 4. 46 V. c. 16, s. 24.

Application of Act.

25. No other parts of *The Railway Act of Ontario*, except those expressly hereinbefore mentioned, shall apply to a company, person or firm owning or operating a street railway under this Act. 46 V. c. 16, s. 25.

Rev. Stat. c. 170, to apply only so far as expressly mentioned.

5. MISCELLANEOUS ASSOCIATIONS.

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- CHAP. 172.—BENEVOLENT AND PROVIDENT SOCIETIES, p. 1692.
 “ 173.—MECHANICS’ INSTITUTES AND ART SCHOOLS, p. 1700.
 “ 174.—IMMIGRATION AID SOCIETIES, 1708.
 “ 175.—CEMETERY COMPANIES, p. 1714.
 “ 176.—CEMETERY COMPANIES BY LETTERS PATENT, p. 1721.
 “ 177.—CONVEYANCES TO TRUSTEES FOR BURIAL GROUNDS, p. 1723.
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CHAPTER 172.

An Act respecting Benevolent, Provident and other Societies.

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| SOCIETIES WHICH MAY BE INCORPORATED, s. 1. | LIABILITY OF PERSONS UNDER AGE, s. 10. |
| INCORPORATION, s. 2. | PAYMENTS TO MEMBERS, s. 11. |
| BRANCH SOCIETIES, s. 3. | POWERS AS TO LANDS, ss. 12-14. |
| OFFICERS, s. 4. | COPY OF DECLARATION OF INCORPORATION TO BE EVIDENCE, s. 15. |
| INCORPORATION OF EXISTING SOCIETIES, s. 5. | DEFECTS OF FORM IN PROCEEDINGS TO OBTAIN INCORPORATION, s. 16. |
| INCORPORATION OF BRANCH SOCIETIES, ss. 6, 7. | CERTIFICATE TO FACILITATE PROOF OF INCORPORATION, s. 17. |
| PROPERTY OF EXISTING SOCIETY OR BRANCH UPON INCORPORATION, s. 8. | RETURNS AS TO PROPERTY, s. 18. |
| UNION OF SOCIETIES, s. 9. | CHANGE OF NAME, s. 19. |
| | FORMS, s. 20. |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Power to form Societies for certain purposes.

1. Any five or more persons, of full age, may become incorporated under this Act for any benevolent or provident purpose; or for any other purpose not illegal, save and except the purpose of trade or business and any purpose provided for by any of the Acts mentioned in the schedule to this Act. R. S. O. 1877. c. 167, s. 1.

Mode of incorporation.

2. The proceedings to obtain incorporation shall be as follows :

1. Such persons shall make and sign a declaration in writing setting forth the intended corporate name of the society, the purpose of the society, the names of those who are to be the first trustees or managing officers, the mode in which their successors are to be appointed, and such other particulars and provisions as the society may think fit, provided that the said particulars and provisions are not contrary to law ;

2. The declaration may be made and signed in duplicate, or in as many parts as may be required ;

3. The declaration may be produced to a Judge of the High Court or to a Judge or Junior or Deputy-Judge of a County Court or to a Stipendiary Magistrate, and if the same appears to him to be in conformity with this Act, he shall endorse thereon a certificate to that effect ;

4. One of the original parts of the declaration shall be filed in the office of either the Provincial Registrar, or the Clerk of the Peace for the county or union of counties in which the society is to hold its annual and general meetings ;

5. When these directions have been complied with, the persons who signed the declaration shall thereby become, and they, their associates and successors, shall thenceforward be a body corporate and politic, and shall have the powers, rights and immunities vested by law in such bodies. R. S. O. 1877, c. 167, s. 2.

3. The society so incorporated may from time to time have or establish and maintain any number of branches thereof, to promote the objects of the society. R. S. O. 1877, c. 167, s. 3.

Societies may establish branches.

4. The society may from time to time appoint trustees, a treasurer, a secretary and other officers, for conducting its affairs, and for the discipline and management of the society ; and may from time to time make by-laws, rules or regulations for the government and for conducting the affairs of the society, or of any branches thereof ; and may from time to time alter or rescind such by-laws, rules or regulations. R. S. O. 1877, c. 167, s. 4.

Appointment of officers, etc.

5. In case any society, of a character authorized to be incorporated under section 1 of this Act, having been established before the 24th day of March, 1874, and being in existence at the said date, desires to be incorporated under this Act, such society may become incorporated in manner following :

How Societies existing on 24th March, 1874, may become incorporated hereunder.

1. The trustees or office bearers for the time being shall make, sign and file, in manner aforesaid, a declaration stating the desire of the society to become incorporated according to the provisions of this Act, and stating also the intended corporate name of the society, and the purpose of the society ;

2. There shall be annexed to and filed with such declaration a copy of the constitution and by-laws of the society, or by which the society is governed; and

3. A certificate by the Judge as aforesaid, that the said documents appear to him to be in conformity with this section: and thereupon the society shall be a body corporate and politic as aforesaid. R. S. O. 1877, c. 167, s. 5.

How branches
of unincorporated
Societies may become
incorporated.

6. Any branch of an unincorporated society of the character aforesaid may become incorporated in manner following:

1. The trustees or office bearers for the time being of the branch are to make, sign and file, in manner aforesaid, a declaration of the desire of the branch to become incorporated according to the provisions of this Act, stating in the declaration the name of the branch;

2. There shall be filed with the declaration a copy of the constitution and by-laws (if any) of the branch; and in case the branch has no constitution or by-laws, an affidavit of the fact, made by one or more of the said trustees or office-bearers, shall be filed with the declaration; and

3. A certificate by the Judge as aforesaid shall also be filed, that the said documents appear to him to be in conformity with this section of this Act; and thereupon the said branch shall become and be a body corporate and politic as aforesaid. R. S. O. 1877, c. 167, s. 6.

How branches
of future in-
corporated
Societies may
become incor-
porated.

7. Any branch of a society of the character aforesaid, which society has been incorporated under this Act, may become incorporated in like manner and by like proceedings, with the consent of the society to which the branch belongs, such consent to be given at a general meeting of the society called in manner provided by the constitution and by-laws of the society, and upon proof of such consent having been given in manner aforesaid being filed with the other documents aforesaid, before the Judge grants his certificate as provided by the preceding sections. R. S. O. 1877, c. 167, s. 7.

Property of
existing Socie-
ty upon being
incorporated
under this
Act.

8. In case of the incorporation of a society, or branch of a society, established before and in existence on the 24th day of March, 1874, all real estate and other property held at the time of such incorporation in trust for the said society or branch shall, on such incorporation going into effect, become and be invested in the incorporated society or branch, without any deed, conveyance or assurance, and shall be held by the incorporated society or branch for the uses and purposes, and upon the trusts, and subject to the conditions and incumbrances upon, for, and subject to which the same were theretofore held by the trustees. R. S. O. 1877, c. 167, s. 8.

9. Any two or more societies or branches of a society may unite and form one society or branch for the purpose of erecting buildings for the use of the societies or branches, and, if they so desire, for other purposes, on such terms as may be agreed upon, by authority of a resolution assented to by a majority of the members of each of the said societies or branches proposed to be united: provided that every such resolution is passed at a general meeting of each of the societies or branches concerned in such union, to be specially called for that purpose. R. S. O. 1877, c. 167, s. 9.

Different Societies or branches may unite.

10. A person under the age of 21 years, elected or admitted as a member of a society, or appointed to any office therein, shall be liable to the payment of fees and otherwise, under the rules of the society, as if he were of full age. R. S. O. 1877, c. 167, s. 10.

Liability of persons under age.

11. When under the rules of a society money becomes payable to, or for the use or benefit of, a member thereof, such money shall be free from all claims by the creditors of such member; and when, on the death of a member of a society, any sum of money becomes payable under the rules of the society, the same shall be paid by the treasurer or other officer of the society to the person or persons entitled under the rules thereof, or shall be applied by the society as may be provided by such rules; and such money shall be, to the extent of \$2,000, free from all claims by the personal representative or creditors of the deceased; and in case any sum is paid in good faith to the person who appears to the treasurer or other officer to be entitled to receive the same, or is applied in good faith for the purposes by the rules provided, no action shall be brought against the treasurer, or other officer or the society in respect thereof; but nevertheless if it subsequently appears that the money has been paid to the wrong person, the person entitled thereto may recover the amount with interest from the person who has wrongfully received it. 41 V. c. 8, s. 18.

Freedom from claims of creditors.

Payment in good faith to wrong person.

12. No society or branch incorporated under this Act shall be entitled to acquire or hold, as purchasers or otherwise, lands or tenements, or any interests therein, exceeding in the whole at any one time the annual value of \$5,000, nor shall the society or branch be entitled to purchase land except for the actual use and occupation of the society for the purposes of the society. R. S. O. 1877, c. 167, s. 12.

Powers of Societies as to holding lands.

13. Any society or branch may from time to time take by gift, devise or bequest, lands or tenements, or any interests therein, provided such gift, devise or bequest is made at least six months before the death of the person making the

Powers as to taking and retaining lands by gift, devise or bequest.

same ; but the society or branch shall at no time take, by gift, devise or bequest, lands or tenements or any interests therein, the annual value of which, together with that of all other lands and tenements theretofore acquired by like means, and then held by the society or branch, exceeds in the whole \$1,000 ; nor shall the society or branch at any time take, by gift, devise or bequest, lands, tenements or hereditaments the annual value of which, together with all the other real estate of the society or branch, exceeds \$5,000 ; and no lands or tenements acquired by gift, devise or bequest, within the limits aforesaid, but not required for the actual use or occupation of the society or branch, shall be held by the society or branch for a longer period than seven years after the acquisition thereof, and within such period the same shall be absolutely disposed of by the society or branch ; and the society or branch shall have power within such period, in the name of the society or branch, to grant and convey the said lands or tenements to any purchaser, so that the society or branch no longer retains any interest therein ; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages on land, for the use of the society or branch : and any lands, tenements or interests therein, required by this Act to be sold and disposed of by the society or branch but which have not, within the said period, been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns. R. S. O. 1877, c. 167, s. 13.

Power to sell,
mortgage, etc.
lands.

14. Any society may, in pursuance of a resolution assented to by a majority of the members present at a general meeting specially called for that purpose, of which public notice shall be given in the manner provided by the by-laws, mortgage, sell, exchange or lease any lands of the society. R. S. O. 1877, c. 167, s. 14.

Copy of declaration of incorporation to be evidence.

15. A copy of the declaration, under sections 2, 5 or 6 of this Act, certified by the Provincial Registrar, or his deputy, or by the Clerk of the Peace, as the case may be, to be a true copy, shall be *prima facie* evidence of the facts alleged in the declaration, and of the due making, signing and filing of the declaration, as mentioned in the certificate ; and his certificate of the filing of the copy of the constitution and by-laws, under section 5 or 6, shall be like evidence of such filing ; and a copy of the declaration, with a certificate of the Provincial Registrar, or his deputy, or Clerk of the Peace, shewing the particulars necessary for creating a corporation under this Act, shall be *prima facie* evidence that the society or branch is an incorporated society or branch under this Act. R. S. O. 1877, c. 167, s. 15.

16. No defect of form in the certificate of the Judge, or in the proceedings to which the certificate of the Judge relates, shall affect the validity of the incorporation. R. S. O. 1877. c. 167, s. 16.

Defects in form.

17. To facilitate the proof of a society or branch being an incorporated society or branch under this Act, and to prevent any future question as to the same, the society or branch, after the same has become incorporated as aforesaid, shall be entitled (if the society or branch thinks fit) to receive a certificate of such incorporation in manner hereinafter mentioned; and the certificate so obtained shall be final and conclusive evidence of the society or branch being an incorporation under this Act, unless the certificate, or the order or decision of the Court granting or authorizing the same, is reversed or set aside by some direct proceeding taken for the purpose; and the proceedings for the purpose of obtaining the certificate may be as follows:

Certificate of incorporation its effect as evidence.

1. The application for the certificate may be made by the society or branch to the High Court or a Judge thereof, or to the County Court of the county in which the declaration aforesaid is filed, or to a Judge thereof.

Application for certificate.

2. The application shall be supported by satisfactory evidence that the society or branch is a society or branch within the true intent and meaning of this Act; that the proceedings necessary for incorporation have been duly taken; that four weeks' notice of the intention to apply for a certificate had been given to the Attorney-General of Ontario; and that a like notice had been published for four weeks in the *Ontario Gazette*; and if the Court or Judge is not satisfied with the evidence offered of these particulars in the first instance, the Court or Judge, instead of dismissing the application, may give an opportunity or opportunities for producing further evidence; and if there is any defect in the proceedings taken to obtain incorporation, the Court or Judge may permit the same to be supplied; and the Court or Judge may, in all cases, require from time to time any further publication to take place, and any other notice to be mailed, served or given, which the Court or Judge deems necessary.

Evidence thereon.

3. When the Court or Judge is satisfied that the society or branch is entitled to the certificate, the certificate may be issued by the registrar or clerk in duplicate (under his hand and the seal of the Court) or in as many parts as may be required; and the same shall name the day from and at which the incorporation was complete and effectual; and any person shall thereafter be entitled to receive a certificate to the same effect, sealed and signed as aforesaid, or a counterpart of the certificate first issued, sealed and signed as aforesaid; which certificate or counterpart thereof shall be final and conclusive, as hereinbefore mentioned.

Issue of certificate.

Costs and
practice.
Rev. Stat. c. 44.

4. The Judges authorized to make rules under *The Judicature Act* shall have the same power of regulating the practice and costs in such cases as in other cases; and subject to this power, the costs and fees shall be the same, as nearly as may be, as in like cases within the jurisdiction of the said Courts respectively. R. S. O. 1877, c. 167, s. 17.

Society to furnish statement of real property to the Legislature.

18. It shall be the duty of the corporation, when thereunto required by the Lieutenant-Governor in Council, or by the Legislative Assembly, to furnish a statement of the real property, and of the estates therein held by the society, and to give such details thereof as the Lieutenant-Governor or the Legislative Assembly may from time to time require. R. S. O. 1877, c. 167, s. 18.

Change of name, etc., by company incorporated under this Act.

19.—(1) When a society, incorporated under the provisions of this Act, is desirous of changing its name, or of changing any of the purposes contained in the original certificate or declaration of incorporation, a Judge of the High Court or a Judge or Junior or Deputy Judge of a County Court of the county, or a Stipendiary Magistrate of the district where the society holds its annual meetings, upon being satisfied that the change desired is not for an improper purpose and is not otherwise objectionable, may make an order reciting the certificate and declaration of incorporation and making the change desired.

Order to be filed.

(2) Such order shall be filed in the office in which the certificate and declaration were filed, and a copy of the order, certified by the Provincial Registrar or his deputy, or by the Clerk of the Peace, as the case may be, to be a true copy of the order filed in the office of the registrar or clerk, shall be *prima facie* evidence of the change having been made as therein set forth.

Rights and obligations of society not affected.

(3) No change under the next preceding two sub-sections shall affect the rights or obligations of the society, and all actions or proceedings commenced by or against the society prior to the change of name may be proceeded with by or against the society under its former name. 47 V. c. 27, s. 3.

Forms.

20. In case the Lieutenant-Governor in Council or the Board of County Judges adopt or approve of any forms for any of the proceedings under this Act, and the order adopting or approving the same is, with the forms, printed in the *Ontario Gazette*, the same forms shall be as effectual for the purposes mentioned in this Act, or in the Order in Council or order of such Board of County Judges as if the said forms had been inserted in this Act. R. S. O. 1877, c. 167, s. 20.

SCHEDULE.

(Section 1.) .

CHAPTERS OF THE REVISED STATUTES OF ONTARIO, BEING ACTS FOR PURPOSES NOT INTENDED BY THIS ACT.

1. Chapter 129, entitled *An Act respecting Limited Partnerships.* Rev. Stat. c. 129.
2. Chapter 157, entitled *An Act respecting the incorporation of Joint Stock Companies by Letters Patent.* Rev. Stat. c. 157.
3. Chapter 158, entitled *An Act respecting Telegraph Companies.* Rev. Stat. c. 158.
4. Chapter 159, entitled, *An Act respecting Joint Stock Companies for the Construction or Purchase of Roads and other Works.* Rev. Stat. c. 159.
5. Chapter 160, entitled *An Act respecting Joint Stock Companies for the Construction of Works to facilitate the transmission of Timber down Rivers and Streams.* Rev. Stat. c. 160.
6. Chapter 161, entitled *An Act respecting Joint Stock Companies for the Construction of Piers, Wharves, Dry Docks and Harbours.* Rev. Stat. c. 161.
7. Chapter 162, entitled *An Act respecting Joint Stock Companies for the Erection of Exhibition Buildings.* Rev. Stat. c. 162.
8. Chapter 164, entitled *An Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.* Rev. Stat. c. 164.
9. Chapter 166, entitled *An Act respecting Co-operative Associations.* Rev. Stat. c. 166.
10. Chapter 167, entitled *An Act respecting Insurance Companies.* Rev. Stat. c. 167.
11. Chapter 169, entitled *An Act respecting Building Societies.* Rev. Stat. c. 169.
12. Chapter 173, entitled *An Act respecting Mechanics' Institutes and Art Schools.* Rev. Stat. c. 173.
13. Chapter 174, entitled *An Act respecting Immigration Aid Societies.* Rev. Stat. c. 174.
14. Chapter 175, entitled *An Act respecting Cemetery Companies.* Rev. Stat. c. 175.
15. Chapter 237, entitled *An Act respecting the Property of Religious Institutions.* Rev. Stat. c. 237.

R. S. O. 1877, c. 167, Schedule.

CHAPTER 173.

An Act respecting Mechanics' Institutes and Art Schools.

INTERPRETATION, s. 1.
 INCORPORATION, ss. 2, 3.
 DIRECTORS AND OFFICERS, ss. 4-11.
 PROPERTY, ss. 12, 13.
 SHARES, ss. 14, 15.
 DISSOLUTION ON FAILURE TO COMPLY
 WITH REGULATIONS, s. 16.
 SALES AND MORTGAGES, ss. 17-21.
 TRANSFER OF PROPERTY FOR PUR-
 POSES OF FREE LIBRARY, s. 22.

LEGISLATIVE GRANT, ss. 23, 25.
 POWERS OF EDUCATION DEPART-
 MENT, s. 24.
 ART SCHOOLS, s. 26.
 SOCIETY OF ARTISTS, ss. 27-30.
 REGULATIONS AND ORDERS IN COUN-
 CIL TO BE LAID BEFORE LEGISLA-
 TURE, s. 31.
 APPLICATION OF ACT, s. 32.

HER MAJESTY, by and with the advice and consent of
 the Legislative Assembly of the Province of Ontario,
 enacts as follows:—

Interpretation
 "member."

1. In this Act the word "member" shall mean any person who subscribes his name to any requisition for the establishment or maintenance of a Mechanics' Institute or Art School, but shall not include a pupil attending any of the classes for instruction; and the liability of all such members or subscribers is hereby limited to the amount of money so subscribed. 49 V. c. 35, s. 1.

Mode of
 incorporation.

2. Any number of persons, not less than ten, may be incorporated as a Mechanics' Institute or Art School, in the following manner:—

1. Such persons shall make and sign a declaration in the form of Schedule A to this Act.

2. One copy of the declaration shall be filed in the office of the registrar for the registry division in which the proposed Mechanic's Institute or Art School is situate, and another certified by the said registrar, as herein provided, shall be transmitted to the Education Department, and for such registration or filing, or for every copy thereof, the registrar shall be entitled to a fee of not more than fifty cents. 49 V. c. 35, s. 2.

3. The person presenting the declaration for filing, shall, before the registrar or deputy registrar, or before a commissioner for taking affidavits or notary public, acknowledge the execution thereof, by himself, and declare the same to have been executed by the other parties thereto, either in person or by their attorneys, and the duplicate or any copy thereof, certified by the registrar or deputy registrar, shall be *prima facie* evidence of the facts alleged in the declaration. 49 V. c. 35, s. 3. Certificate of registration.

4.—(1) When the formalities aforesaid have been complied with, the directors mentioned in the declaration, and their successors, shall be a body corporate and politic and shall possess all the rights and powers conferred by *The Interpretation Act* and by this Act. Directors shall be a body corporate.
Rev. Stat. c. 1.

(2) In the case of any Mechanics' Institute or Art School, not incorporated when this Act takes effect, the trustees or directors thereof may become incorporated on complying with the formalities prescribed in section 2 of this Act. 49 V. c. 35, s. 4. Other Institutes or Art Schools may incorporate.

5. The person filing the declaration aforesaid, shall, not more than thirty days thereafter, call a meeting of the subscribers thereto for the purpose of electing officers and framing such by-laws as they may deem expedient for all purposes relating to the business of the corporation consistent with this Act. 49 V. c. 35, s. 5. First meeting.

6. The officers of every Mechanics' Institute or Art School shall consist of a president (who shall be *ex officio* a director), secretary, treasurer, and a board of directors of not less than five or more than nine (exclusive of the president) and such other officers as may be designated in the by-laws of the corporation. 49 V. c. 35, s. 6. Officers.

7. All officers after the first election, shall be elected on the first Monday in May of each year, at such hour as may be fixed by the by-laws of the Institute or Art School, and shall hold office for one year, or until their successors are appointed. 49 V. c. 35, s. 7. Election.

8. A failure to elect officers and directors, shall not operate the dissolution of the corporation, but the directors and officers last elected shall remain in office until their successors are elected, as may be provided in the by-laws of the corporation. 49 V. c. 35, s. 8. Failure to elect directors.

9. The directors may make by-laws or rules for the safety and use of the library and reading room, and for the management of classes in such subjects as may be prescribed by the Education Department, and for regulating all other matters Power to make by laws.

and things whatever connected with the proper business of a Mechanics' Institute or Art School, and for the management of the property of the corporation; and the directors may impose penalties for breaches of the by-laws or rules not exceeding \$4 for any offence, and may from time to time repeal, alter, vary or re-enact such by-laws or notices, but such by-laws, or rules shall not be binding upon the members of the corporation, unless and until approved by a majority of those present at a meeting called for such purpose. 49 V. c. 35, s. 9.

Minutes to be kept.

10. A minute of all the proceedings of the directors, shall be entered in a book or books to be kept for that purpose, and shall be signed by the president or chairman for the time being, and such minutes so signed, shall be deemed to be original minutes, and such book or books, may be produced and read as evidence of the proceedings of such directors upon any judicial proceedings whatever. 49 V. c. 35, s. 10.

Powers of directors.

11. It shall be lawful for the directors to exercise all the powers of the corporation, to act on its behalf and in its name and use its seal, subject always to such by-laws as may have been approved by the members thereof, as provided in section 9 of this Act. 49 V. c. 35, s. 11.

Application of funds.

12. The funds and property of every Mechanics' Institute or Art School shall be appropriated and used for purposes legitimately appertaining to the business of Mechanics' Institutes or Art Schools, and for no other. 49 V. c. 35, s. 12.

Power to hold lands in towns with 3,000 inhabitants and in cities.

13.—(1) Any Mechanics' Institute or Art School duly incorporated, and situate in any city or in a town having three thousand inhabitants or more, may hold real property not exceeding in annual value the sum of \$3,000.

Power as to lands in villages and towns under 3,000.

(2) Any Mechanics' Institute or Art School duly incorporated, and situate in any town or village not having three thousand inhabitants, may hold real property not exceeding in annual value the sum of \$1,000.

Limit in other cases

(3) In cases not mentioned in the next preceding two subsections of this Act, the yearly value of real property to be held by any such corporation shall never exceed \$400. 49 V. c. 35, s. 13.

When shares transferable.

14. If it is provided in the declaration, or by the by-laws of the corporation, that the shares of the members, in the property of the corporation, shall be transferable, then they shall be transferable accordingly, in the way and subject to the conditions mentioned in the declaration, or in the by-laws of the corporation, if by such declaration such transfers are to be regulated by them. 49 V. c. 35, s. 14.

15. All shares shall be personal property, and by the declaration or by-laws provision may be made for the forfeiture of the shares in cases to be therein named, or for preventing the transfer thereof to others than persons of some certain description, or resident within some certain locality. 49 V. c. 35, s. 15.

Shares to be personal property.

16. Where the directors of Mechanics' Institutes, fail or neglect to open the library to the public or to the members of the Institute for two years as required by the regulations of the Education Department, such failure or neglect shall operate a dissolution of the corporation, and it shall be lawful for the Education Department through its proper officer to take possession of all the books, magazines, and periodicals, in the library, and dispose of the same to the municipal corporation of the municipality in which the Mechanics' Institute is situated, on such terms and conditions as may be agreed upon, but nothing herein contained shall be deemed to confer any authority or control over any real estate under the jurisdiction of the directors. 49 V. c. 35, s. 16.

Dissolution of Institute on failure to comply with regulations

17. In case a resolution authorizing or recommending the sale or conveyance by way of mortgage of any real estate belonging to any Mechanics' Institute or Art School, incorporated or lawfully acting under the provisions of this Act, is passed by two-thirds of the directors of the corporation, and is at any time within six months thereafter approved by a vote of the majority of the members of the corporation entitled to vote under its by-laws, present at an annual meeting, or at any general meeting duly called in accordance with the provisions of its by-laws in respect of the calling of general meetings, the directors may sell and convey such real estate, or may convey the same by way of mortgage in security for any moneys borrowed for the purpose of the corporation. 49 V. c. 35, s. 17.

Manner of authorizing sales and mortgages.

18. In the notice calling any annual or special meeting at which it is proposed to submit for approval such a resolution, it shall be stated that a resolution authorizing or recommending the selling or mortgaging of the real estate will be submitted at the meeting for approval; and such notice is to be given at least two weeks before the day of meeting. 49 V. c. 35, s. 18.

Purpose of meeting to be stated in notice calling same.

19. Every conveyance, whether absolute or by way of mortgage, executed in pursuance of this Act, shall be executed by the president and secretary of the corporation, if the corporation has under its by-laws a president and secretary; or if the by-laws of the corporation do not provide for the appointment of these officers, then by the majority of the directors; and every such conveyance shall be under the corporate seal of the corporation. 49 V. c. 35, s. 19.

Mode of executing conveyances.

Recital
prima facie
evidence.

20. In case a conveyance executed under this Act recites the resolution of the directors, and the proceedings taken with reference thereto, such recital shall be *prima facie* evidence of the passing of such resolution, and of the action taken in respect thereof. 49 V. c. 35, s. 20.

Certain con-
veyances con-
firmed.

21. Every conveyance, either absolute or by way of mortgage, of any real estate of any corporation incorporated under chapter 168 of the Revised Statutes of 1877, or acting thereunder, made and executed before the 25th day of March, 1886, by the president of the corporation, or by the majority of the trustees, acting under the authority of a resolution of a general meeting of the corporation, or of a resolution of the trustees, shall, if the consideration has been substantially applied for the purposes of the corporation, be held to be valid and effectual. 49 V. c. 35, s. 21.

Mechanics'
Institutes may
transfer prop-
erty to cor-
poration of
municipality
for the
purposes of
the Free
Libraries Act.
Rev. Stat. c.
189.

22.—(1) A Mechanics' Institute in a municipality in which a Free Library has been established according to *The Free Libraries Act*, may, by agreement with the Board of Management referred to in section 3 of the said Act, transfer to the corporation of the municipality, for the purposes of the said Act, all or any property, real or personal, of the Institute; but any transfer, which but for this section, the Institute would not have authority to make, shall only be made in the manner provided by the said Act.

(2) In case the transfer is to be made on terms involving the assumption of any liability of the Institute, or the payment of money in consideration of the transfer, the agreement shall not be binding unless approved of and consented to by by-law of the municipal council. 49 V. c. 35, s. 22.

Conditions re-
quired for
obtaining
legislative
grant.

23. It shall be the duty of the directors of every Mechanics' Institute, in order to be entitled to any portion of the appropriation made by the Legislative Assembly for Mechanics' Institutes :

1. To see that the Institute is incorporated according to the provisions of this Act or some former Act;

2. To establish a Library containing books on Mechanics, Manufactures, Agriculture, Horticulture, Philosophy, Science, the Fine and Decorative Arts, History, Travels, Poetry, Fiction and Biography; or

3. To open a Reading-room; or

4. To organize evening classes for instruction in one or more of the three following courses, namely, an English Course, comprising the study of English and Canadian History, English Grammar and Composition; a Commercial Course, comprising the study of Book-keeping, Arithmetic and Writing; a Drawing Course, comprising the study of Freehand, Architectural and Mechanical Drawing;

5. To report before the 1st of May, in each year, to the Education Department, in such form as may be prescribed by the Minister of Education. 49 V. c. 35, s. 23.

24. The Education Department shall have power, in respect of the following matters : Powers of Education Department.

1. For the management and inspection of Mechanics' Institutes, libraries, reading-rooms and evening classes and Art Schools, and for the auditing of all accounts appertaining thereto.

2. For the payment of such inspection, either by the public school inspector or otherwise, a sum not exceeding \$10 for every Institute or Art School inspected. 49 V. c. 35, s. 24.

25.—(1) The appropriation annually made by the Legislative Assembly for Mechanics' Institutes, shall be distributed, subject to the regulations of the Education Department, as follows : Distribution of legislative grant.

(a) Every Mechanics' Institute with a membership of fifty persons, and contributing in annual subscriptions the sum of \$25, shall receive \$25 annually.

(b) Every Mechanics' Institute with a membership of one hundred or over, and contributing in annual subscriptions not less than \$50 shall receive \$50 annually.

(c) In addition to the sums in the preceding sub-sections mentioned, every Mechanics' Institute shall receive for its library the sum of \$1 for every dollar expended on books as provided by this Act, but so as not to exceed the sum of \$150 for library purposes: provided that of the said sum of \$150 expended for library purposes not more than twenty per cent. thereof shall be expended on works of fiction; for its reading-room the sum of \$1 for every dollar expended for newspapers, magazines or other periodicals, but so as not to exceed the sum of \$50 for reading-room purposes; for evening classes the sum of \$3 for every pupil in any of the courses herein prescribed for classes of twenty-five pupils or under, and \$1 for each additional pupil, but so as not to exceed \$100 in all for evening classes.

(2) The amount of such local contribution shall be attested by the statutory declaration of the treasurer or secretary-treasurer in such form as may be required by the Minister of Education. 49 V. c. 35, s. 25.

ART SCHOOLS.

Grant to Art
Schools.

26. Every Art School incorporated under this or any other Act and complying with the regulations of the Education Department respecting the equipment, accommodation and teachers required for Art Schools, shall be entitled to receive out of any moneys appropriated by the Legislative Assembly for art purposes a fixed grant of \$400, and such additional sums for proficiency in art studies as may be determined by the regulations of the Education Department respecting final examinations. 49 V. c. 35, s. 27.

SOCIETY OF ARTISTS.

Society of
Artists.

27. The society now existing and known as the "Ontario Society of Artists," may organize and form themselves into a society comprising not less than twenty-five members, and paying an annual subscription of not less than \$5 each, to be known as "The Ontario Society of Artists," and shall have power to adopt a constitution and make by-laws for the admission of members and for its guidance and proper management, and for the conduct and management of the Canadian Art Union and the promotion of any objects consistent with the study of Art and its practical bearing upon the interests of the Province of Ontario, and not inconsistent with the laws of the Province; and on filing a copy of such constitution and by-laws with the Minister of Education, such society shall become a body corporate under this Act. 49 V. c. 35, s. 28.

Grant of \$500.

28. Such society, so long as the number of its *bona fide* members is not less than twenty-five, shall be entitled to receive from such moneys as may be appropriated by the Legislative Assembly for that purpose the sum of \$500. 49 V. c. 35, s. 29.

Annual meet-
ing.

29. The said society shall hold an annual meeting in each year, at such time and place as the said society may appoint, not being later than the 30th day of September, and the retiring officers shall at such meeting present a full report of their proceedings and of the proceedings of the society, and a detailed statement of its receipts and expenditure for the previous year; and the society shall at such meeting elect a president, a vice-president, and such other officers as the constitution and by-laws of the society may provide to be elected, and the society shall also elect two auditors. 49 V. c. 35, s. 30.

Election of
officers.Report to
Minister of
Education.

30. A copy of the annual report of its proceedings, and a statement of receipts and expenditure, and a list of the officers elected, and also a report of such information as the society may have been able to obtain on the progress of Art in the

Province, shall be sent to the Minister of Education within forty days after the holding of such annual meeting. 49 V. c. 35, s. 31.

31.—(1) Every Regulation or Order in Council made under this Act shall be laid before the Legislative Assembly forthwith if the Legislature is in session at the date of such Regulation or Order in Council, and if the Legislature is not in session such Regulation or Order in Council shall be laid before the said House within the first seven days of the session next after such Regulation or Order in Council is made.

Regulations and Orders in Council to be laid before Legislative Assembly.

(2) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the Regulation or Order in Council is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution of such Regulation or Order in Council either wholly or of any part thereof, the Regulation or Order in Council, so far as disapproved of, shall have no effect from the time of such resolution being passed. 49 V. c. 35, s. 32.

32. This Act, excepting the first five sections thereof, shall apply to all Mechanics' Institutes or Art Schools receiving aid from this Legislature. 49 V. c. 35, s. 33.

Application of Act.

SCHEDULE A.

(Section 2.)

We, the subscribers hereto, hereby agree to establish (a *Mechanics' Institute, Reading-room, Evening Classes or Art School, as the case may be*) in the municipality of _____, and we further agree that the name of the Corporation shall be the _____ Mechanics' Institute or Art School (as the case may be) and we do hereby apply under section 2 of *The Act respecting Mechanics' Institutes and Art Schools* for incorporation. (Then follow the names and descriptions of the applicants.)

49 V. c. 35, Sched. A.

CHAPTER 174.

An Act respecting Immigration Aid Societies.

| | |
|---|---|
| SHORT TITLE, s. 2. | ADVANCES TO IMMIGRANTS, s. 13. |
| INTERPRETATION, s. 2. | Recovery of advances, ss. 14-15. |
| IMMIGRATION DISTRICTS AND AGENTS, s. 3. | INSPECTOR OF SOCIETIES, s. 16. |
| FORMATION OF SOCIETIES, ss. 4-8. | EXAMINATION OF IMMIGRANTS AND WITNESSES, s. 17. |
| POWERS AS TO LENDING AND BORROWING MONEY, s. 9. | INSTRUMENTS AUTHORIZED BY THIS ACT MAY BE DRAWN IN ANY LANGUAGE, s. 18. |
| MODE IN WHICH SOCIETY MAY PROCURE EMPLOYMENT FOR IMMIGRANTS, ss. 10-12. | |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

PRELIMINARY.

Short title.

1. This Act may be cited as "*The Ontario Immigration Aid Societies' Act*." R. S. O. 1877, c. 169, s. 1.

Interpretation.

2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears :

1. "Commissioner of Agriculture" shall include any deputy or officer authorized to perform the duty, or exercise the power in question ;

2. "Immigration" or "Immigrant," shall include "Emigration" or "Emigrant," when it refers to the act of leaving or to a person about to leave Europe or elsewhere for Ontario ;

3. "Society" shall mean the Ontario Immigration Aid Society which the context indicates or refers to. R. S. O. 1877, c. 169, s. 2.

Immigration Districts, agents and officer.

3. The Commissioner of Agriculture shall from time to time divide the Province of Ontario into immigration districts, either by counties, ridings or municipalities, as seems to him most expedient ; and in each of such districts there shall be an immigration office and an immigration agent ; and such division, and any future alteration thereof, shall be notified in the *Ontario Gazette* as the immigration district of the place where the immigration office is kept. R. S. O. 1877, c. 169, s. 3.

4. In each of such districts an Immigration Aid Society or Societies may be formed and constituted under this Act, for the purpose of assisting immigrants to reach Ontario from Europe and elsewhere; and of obtaining employment for them on their arrival in the Province; and of enabling persons in Ontario in want of labourers, artisans or servants to obtain them by such immigration; every such society to consist of not less than twenty-five persons whether resident or not in the immigration district, agreeing to form such society and to subscribe among them, as the capital of the society, not less than \$500, in fifty shares of \$10 each, one-fourth of which, at least, shall be paid on subscribing the declaration of membership hereinafter mentioned, into the hands of a person agreed upon as their secretary-treasurer, by the persons (not being less than twenty-five) present at the meeting at which it is agreed to form such society. R. S. O. 1877, c. 169, s. 4.

Formation of such Societies and their purpose.

Subscription and capital.

5. The persons agreeing to form such society shall elect or agree upon a president, secretary-treasurer and board of management, composed of not less than five members, including the officers above mentioned; and shall adopt a constitution and by-laws; and shall respectively sign a declaration to the effect following:

Formalities to be complied with for the purpose of such formation.

“We, the undersigned, hereby associate ourselves together as ‘The Immigration Aid Society, No.—, of the Ontario Immigration District of—,’ and we hereby bind ourselves to observe and obey all the requirements of *The Ontario Immigration Aid Societies’ Act*, and to pay respectively into the hands of the secretary-treasurer the amount of stock set opposite our respective names, one-fourth on subscribing this declaration and the remaining three-fourths by the instalments and in the manner hereinafter provided; and we further bind ourselves to observe and to obey the constitution and by-laws of the Society, which are as follows:’

Declaration.

Then shall follow the constitution and by-laws, which shall declare the objects of the society to be those mentioned in section 4, and such other special objects (if any) as it may be thought necessary to enumerate, and shall contain the names of the first president, secretary-treasurer and members of the board of management; the place where the society shall have its office and hold its meetings, the manner in which the remainder of the stock of the society shall be paid up; the annual subscription to be paid by members, if such subscription is deemed advisable; the admission of new members; the duties and powers of the board of management and officers; the period for which they shall retain office; the regular meetings of the society; the mode of calling and holding special meetings; the number required for a quorum, and mode of voting thereat; the manner of filling vacancies in the board of management, or of the performance of their duties, in their absence, by others; the period for which the society shall continue; the mode of dividing its assets or profits from time to time during such period; and generally such provisions as may be advisable or expedient for the well working of the society, and the attainment of the ob-

Constitution and rules of society.

Signatures of members. objects for which it is formed ; then shall follow the signatures of members, and in columns opposite thereto the amount of stock for which they respectively subscribe, and the amounts paid up ; the declaration shall then be dated and attested by the signatures of the president and secretary-treasurer. R. S. O. 1877, c. 169, s. 5.

Attestation.

Duplicates of declaration to be sent to the Commissioner for approval and certificate

6. The declaration shall be made in duplicate, and the duplicates shall be delivered or sent by the secretary-treasurer, through the agent for the district, to the Commissioner of Agriculture, who shall cause them to be compared with this Act, and if the declaration is not found conformable thereto, the Commissioner shall return the duplicates to the secretary-treasurer, informing him of the fact and of the objection to which the declaration is liable ; but if it is found to be so conformable, he shall certify the fact under his hand and seal on both duplicates, and shall retain and keep one of them in his office, and shall return the other to the secretary-treasurer. R. S. O. 1877, c. 169, s. 6.

Commissioner to number societies in order.

7. If there is no other immigration aid society in the district, the Commissioner shall treat the society as Number One, and shall fill the blank left in the declaration for that purpose with that number ; but if there be another or others, he shall give each a number in the order in which he certifies the declarations, and shall fill the blank in each with its proper number, according to such order. R. S. O. 1877, c. 169, s. 7.

On approval, Society to become a corporation.

8. As soon as the declaration is approved and certified as aforesaid, the society shall be a body politic and corporate, by the name taken in the declaration, including the number given by the Commissioner, and shall have all the powers, rights and immunities assigned to corporations by *The Ontario Joint Stock Companies' General Clauses Act*, including the right to have a corporate seal if the society thinks fit ; but it shall not be necessary that the corporate seal (if the society has one) should be affixed to any document in order to make it the act or deed of the corporation, but it shall be sufficient for that purpose that the document be signed by the secretary-treasurer and countersigned by the president of the society as such, or by the person or persons acting *pro tempore* in their stead, nor shall the authority or capacity of any person signing the same or his signature be called in question by any but the corporation, and if not so questioned it shall be admitted in evidence without proof ; and any document purporting to be the duplicate copy of the declaration signed and sealed by the Commissioner, shall be admitted as evidence of the facts stated therein, without proof of his signature, unless it is called in question by himself or by his authority. R. S. O., 1877, c. 169, s. 8.

Rev. Stat. c. 156.
Seal.

Execution of documents.

Evidence of duplicate.

9. The society shall have power to enter into agreements and contracts, either with members of their corporation or with others, for any purpose relating to immigration, and to lend and to borrow money, and to take or give security for the same and to become a party to any promissory note, bill of exchange or other negotiable instrument or security, in the manner provided as to other documents by section 8; and may receive assistance in money or otherwise from municipal or other corporations, or from any institution, society or person, towards enabling them to attain the objects of this Act, on such terms and conditions as may be agreed upon, not inconsistent with this Act or with law; but the total amount of the liabilities of the society shall never exceed the amount of its capital subscribed, but not paid up. Powers of Society to lend and borrow money. R. S. O. 1877, c. 169, s. 9. Proviso; total liability limited.

10. The society may receive applications from persons desiring to obtain artizans, workmen, servants or labourers from the United Kingdom, or from any part of Europe or elsewhere, and may enter into any lawful contracts with such persons, including the obligation on the part of such persons to employ the immigrants referred to on their arrival in Ontario, in any manner, at any rate of wages, and for any period, under such penalties as damages for non-performance as may be stipulated in such contract, and may receive in advance all or any part of the money to be expended by the society, or take security for the repayment of all or any part thereof to the society by instalments, or in one sum, as may be agreed upon. Society may receive applications for the employment of immigrants, and act upon them. R. S. O. 1877, c. 169, s. 10.

11. The secretary-treasurer shall forthwith transmit every such application, with the requisite information and details, to the immigration agent of the district, with the amount the society has undertaken to advance towards defraying the expenses to be incurred in complying with the application, in paying or partly paying the cost of the ocean passage and other travelling charges of the immigrants required, from their home in Europe to the place in Ontario where they are required. Applications to be forwarded to district agent, with report of Society's action thereon. R. S. O. 1877, c. 169, s. 11.

12. The immigration agent shall forthwith transmit every such application, and the money received by reason thereof, to the emigration agent or commissioner of the Province of Ontario in the United Kingdom or elsewhere, who shall thereupon take the necessary measures for procuring and forwarding to the society such immigrant or immigrants as may be required by the application; and the immigration agent shall, from time to time, furnish the Commissioner of Agriculture with such information and details respecting such application as the said Commissioner may require. Applications to be transmitted to agents in Europe with funds advanced; their duties. R. S. O. 1877, c. 169, s. 12.

Agents in Europe to take security from emigrants for repayment of advances.

Sums advanced to emigrants in United Kingdom may be included.

Recovery of amount of advances.

Emigrant may bind himself to serve nominee of the Society for the amount of the advance.

Rev. Stat. c. 139.

How each obligation may be enforced.

13. If it is the intention of the society or of the applicant that the whole or part of the money advanced towards defraying the expenses of emigration shall be repaid by the immigrant, either in one sum or in instalments, it shall be the duty of the emigration agent or commissioner of the Province, in Europe, making the arrangements for the passage of the intending emigrant to Canada, to take from the emigrant an undertaking binding him to repay such money to the society in Ontario in one sum or by instalments, at certain periods, and with or without interest, according to the instructions given by the secretary-treasurer, and he shall witness the execution of such instrument; and if any sum of money has been advanced to the emigrant for like purposes by any society, or institution, or individual in the United Kingdom, such sum may, with the consent of such society, institution or individual, be included in the amount for which such instrument is given, and may be recovered by the Ontario society aforesaid, and being so recovered shall be paid over, without charge, to the society, institution or individual by whom it was advanced, to whom, as well as to the Ontario society, the agent or commissioner of emigration witnessing the execution of the instrument shall notify any such amount. R. S. O. 1877, c. 169, s. 13.

14. Any sum due as an instalment upon such instrument shall be recoverable in any way in which a like sum is recoverable in the place where the action is brought, although the instrument includes a further sum not then due. R. S. O. 1877, c. 169, s. 14.

15. Subject to the provisions of section 8 of *The Act respecting Master and Servant*, any emigrant who might make such instrument, as aforesaid, may, in like manner, execute an instrument witnessed as above provided, binding himself or herself, in consideration of the sum advanced by the society therein named, to accept employment of the kind to be therein stated from any named person in the immigration district in which the society is formed, or with any person in such district whom the society may designate to the immigrant on his or her arrival in such district, at a rate of wages to be named in the instrument, and for a term to be also therein named not exceeding six months, and to serve such person faithfully in such employment during such term, and to allow such person to deduct from his or her wages, at a period or periods to be designated in such instrument, such sum or sums as shall also be therein designated, and to pay the same to the society, on account of any money due by the immigrant to it; and such instrument may be enforced by the society accordingly, by civil action in any Court having jurisdiction to the amount then due against the immigrant; and any refusal or neglect on the part of the immigrant to perform any of the other obligations undertaken by him in such instrument shall be an

offence cognizable before any one Justice of the Peace, and punishable by a fine not exceeding \$20, and costs, and the fine, if paid, shall belong to the society, and be paid over to it by the Justice of the Peace; but the payment of such fine shall not prevent or affect any civil remedy of the society under such instrument. R. S. O. 1877, c. 169, s. 15.

16. The Commissioner of Agriculture shall, in his discretion, appoint, instead of district agents hitherto mentioned in the preceding sections of this Act, an Inspector of Immigration Societies, whose duties shall be to generally superintend the working of such societies and to act in the place of the said district agents; or he may appoint the immigration agents of the Dominion Government to act as Provincial district agents for their respective agency districts. R. S. O. 1877, c. 169, s. 16.

Appointment
of Inspector of
Immigration
Societies.

17. The said Commissioner of Agriculture, inspector, district agents, or other person or persons who may be appointed by the Commissioner, shall have power to examine under oath any person or immigrant touching any of the provisions relative to assisted emigration contained in this Act; and shall have the same power to enforce the attendance of such persons or immigrants, and to compel them to give evidence, as is vested in the High Court in civil cases. R. S. O. 1877, c. 169, s. 17.

Commis-
sioner, etc.,
may examine
immigrants
regarding as-
sistance ex-
tended by
this Act.

18. Any negotiable or other instrument authorized by this Act may be drawn in any foreign language understood by the person executing it; and sums of money mentioned therein may be expressed in any currency used in the country where it is executed, and shall be held to mean equivalent sums of currency in Canada. R. S. O. 1877, c. 169, s. 18.

Foreign lan-
guage; money

CHAPTER 175.

An Act respecting Cemetery Companies.

INCORPORATION, ss. 1-3.
 CEMETERIES TO BE FENCED, s. 4.
 REPAIRS, s. 5.
 SEWERS, s. 6.
 PENALTY FOR CONTAMINATING RIVERS, ss. 7-9.
 PLACE AND MANNER OF BURIAL, ss. 10-11.
 GRAVES FOR STRANGERS AND POOR, s. 12.

EXEMPTION FROM TAXATION, s. 13.
 SALE OF LOTS, ss. 14-16.
 Application of proceeds of sales, s. 18.
 SHAREHOLDERS, ss. 17-21.
 BEQUESTS TO COMPANY, s. 19.
 DIRECTORS, ss. 22-30.
 DEFACING TOMBSTONES, ETC., s. 31.
 ACQUIRING ADDITIONAL LAND, s. 32.
 WINDING UP OF COMPANIES, s. 33.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Not less than ten persons may form a cemetery company.

1.—(1) Any number of persons, not less than ten, may form themselves into a company for the purpose of establishing one or more public cemeteries: provided always that such cemetery or cemeteries be without the limits of any incorporated village, town, or city. 45 V. c. 17, s. 20.

(2) In the case of an incorporated village, a cemetery within the village may be established by the company where it appears to the satisfaction of the Lieutenant-Governor in Council that from the extent of territory included in the village a cemetery may safely be established therein, and that the municipal council and local board of health of the village approve thereof, and that in the opinion of the Provincial Board of Health the proposed cemetery may under all the circumstances be safely permitted.

(3) The expenses of the Provincial Board of Health in the case mentioned in the preceding sub-section, shall be paid by or on behalf of the applicants. 50 V. c. 7, s. 16. See Cap. 176, s. 1.

Incorporation. 2. When any number of persons, not less than ten,

(a) Subscribe stock to an amount adequate to the purchase of the ground required for such a cemetery; and

(b) Execute an instrument according to the form in the next section contained; and

(c) Pay to the treasurer of the intended company twenty-five per cent. of the capital stock intended to be raised; and

(d) Register such instrument at full length, together with a receipt from the treasurer for the first instalment of twenty-five per cent., with the registrar of the registry division in which the ground is situate—

the company shall thenceforth become and be a body corporate by the name designated in the instrument so registered, and may take, hold and convey the land to be used exclusively as a cemetery or place for the burial of the dead. R. S. O. 1877, c. 170, s. 2; 45 V. c. 17, s. 21.

3. The instrument referred to may be in the form following: Form of instrument of association.

"Be it remembered, that on this day of , in the year of our Lord one thousand eight hundred and , we, the undersigned Shareholders, met at , in the County of , in the Province of Ontario, and resolved to form ourselves into a Cemetery Company, to be called , according to the provisions of Chapter 175 of *The Revised Statutes of Ontario, 1887, entitled An Act respecting Cemetery Companies*; And we do hereby agree that the capital stock of the said Company shall be dollars, to be divided into shares of dollars each, entitling the holder to one hundred superficial feet; And we, the undersigned Shareholders, do hereby agree to accept and take the number of shares set by us opposite our respective signatures; and we do hereby agree to pay the calls thereon, according to the provisions of the said Act, and of the Rules, Regulations and By-laws of the Company, to be made in that behalf."

| NAME. | NO. OF SHARES. | AMOUNT. |
|-------|----------------|---------|
| | | |
| | | |
| | | |
| | | |

R. S. O. 1877, c. 170, s. 3.

4. The company shall, by walls or other sufficient fences of such height as the municipality may by by-law direct, enclose every part of the cemetery held by them. Cemetery to be enclosed. R. S. O. 1877, c. 170, s. 4.

5. The company shall also, out of the moneys received by virtue of this Act, keep the cemetery, and the buildings and fences thereof, in complete repair, and in good order and condition. Cemetery to be kept in good repair. R. S. O. 1877, c. 170, s. 5.

6. The company shall make all proper and necessary sewers and drains in and about the cemetery for draining it and keeping it dry; and they may from time to time as occasion requires, cause any such sewer or drain to open into an existing sewer, with the consent in writing of the persons having the management of the street or road, and with the like consent of the owner or occupier of the land through which or Company to make all necessary sewers, etc.

part of which the opening is intended to be made, doing as little damage as possible to the street, road or land wherein the same is made, and restoring it to the same or as good condition as it was in before being disturbed. R. S. O. 1877, c. 170, s. 6.

Penalties on
Company con-
taminating
any river, etc.

7. If the company at any time causes or suffers to be brought to or to flow into any river, spring, well, stream, canal, reservoir, aqueduct, pond or watering place, any offensive matter from the cemetery, whereby the water is fouled, the company shall forfeit for every such offence \$50. R. S. O. 1877, c. 170, s. 7.

Recovery and
application of
penalties.

8. The said penalty, with full costs of suit, may be recovered in any Court of competent jurisdiction, by any person having a right to use the water; but the penalty and costs shall not be recoverable unless sued for during the continuance of the offence, or within six months after it has ceased. R. S. O. 1877, c. 170, s. 8.

Damages may
be recovered
in addition to
penalties.

9. In addition to the penalty of \$50 (and whether the same has been recovered or not) any person having a right to use the water may sue the company for any damage specially sustained by him by reason of the water being fouled; or if no special damage is alleged, then, for the sum of \$10 for every day during which the offensive matter has continued to be brought or to flow after the expiration of twenty-four hours from the time when notice of the offence was, by such person, served upon the company. R. S. O. 1877, c. 170, s. 9.

Where bodies
may be
buried.

10. No body shall be buried in a vault or otherwise under any chapel or other building in the cemetery, nor within fifteen feet of the outer wall of any such chapel or building. R. S. O. 1877, c. 170, s. 10.

Funerals to be
decently per-
formed.

11. The company shall make regulations to ensure all burials within the cemetery being conducted in a decent and solemn manner. R. S. O. 1877, c. 170, s. 11.

Graves to be
furnished
gratis for
strangers and
poor.

12. The company shall furnish graves for strangers, and for the poor of all denominations, free of charge, on the certificate, in the latter case, of a minister or clergyman of the denomination to which the deceased belonged, that the relatives of the deceased are poor and cannot afford to purchase a lot in the cemetery. R. S. O. 1877, c. 170, s. 12.

Real estate of
company ex-
empt from tax-
ation.

13. The real estate of the company and the lots or plots when conveyed by the company to individual proprietors for burial sites, shall be exempt from taxation of any kind, and shall not be liable to be seized or sold on execution. R. S. O. 1877, c. 170, s. 13.

14. When a lot has been sold by the company, for a burial site, the conveyance shall not require to be registered for any purpose whatever, and shall not be affected by any Registry Act, nor shall any judgment, mortgage or encumbrance subsist on any lot so conveyed. R. S. O. 1877, c. 170, s. 14.

Lots conveyed need not be registered.

15. The deeds from the company shall be in the following form :

"Know all men by these presents, that the Cemetery Company, in consideration of dollars paid to them by , of , the receipt whereof is hereby acknowledged, do grant unto the said his heirs and assigns, Lot of Land in the Cemetery of the said Company, called , and situate in the County of , which Lot is delineated and laid down on the map of the said Cemetery, and is therein designated by the name of , containing by admeasurement superficial feet ; to have and to hold the above named premises," etc.

R. S. O. 1877, c. 170, s. 15.

16. All lots or plots of ground in the cemetery, when numbered and conveyed by the company, as burial sites or lots, shall be indivisible, but may afterwards be held and owned in undivided shares. R. S. O. 1877, c. 170, s. 16.

Lots to be indivisible, but may be held in undivided shares.

17.—(1) From and out of the proceeds of the sales of burial sites made by the company, the company may pay to its shareholders who may not desire to take land in the cemetery to the full extent of the stock subscribed for and paid by them, interest on their paid up stock, not represented by land in the cemetery, at such rate as may be agreed on, not exceeding eight per centum per annum, and may also repay to such shareholders the amount of paid-up stock held by them not represented by land in the cemetery.

Shareholders may receive interest on stock not represented by land.

(2) Every such shareholder of the said company shall be taken to be a shareholder, and shall be entitled to all the rights of shareholders in respect of the shares of the capital stock of the company held by him and fully paid up, and which are not represented by land in the cemetery, until such shares are repaid to him by the company ; and upon their repayment to him of any share he shall cease to be a shareholder in respect of such share.

Rights of shareholders with stock not represented by land.

(3) Except as aforesaid, no dividend or profit of any kind shall be paid by the company to any member thereof. R. S. O. 1877, c. 170, s. 17.

No dividend allowed.

18. Subject to the provisions in the preceding section contained, one-half of the proceeds of all sales of burial sites, made by the company, shall be first applied to the payment of the purchase money of the land acquired by the company, and the residue to preserving, improving and embellishing the land as a cemetery or burial ground, and to the incidental expenses of the company ; and after payment of the purchase money, the

Application of proceeds of sales.

proceeds of all future sales shall be applied to the preservation, improvement and embellishment of the cemetery, and to the incidental expenses thereof, and to no other purpose whatever. R. S. O. 1877, c. 170, s. 18.

Company may accept devises, gifts, etc.

19.—(1) Any company incorporated under the provisions of chapter 170 of the Revised Statutes of Ontario, 1877, or under this Act, may take and hold by gift, assignment, devise, bequest or otherwise, any moneys or securities, and apply the same in the same manner as any other moneys of the company in preserving, improving and embellishing the cemetery of such company, upon the condition and in consideration of the company's assuming and undertaking the duty and obligation of preserving and maintaining in a proper manner forever, any particular lot, tomb, monument or enclosure in such cemetery or in any other cemetery or burying ground in the same, or in any other municipality in the same county, and any person or persons may make such gift, assignment, devise or bequest, to such company upon such conditions and for such considerations.

May agree to keep lots, etc., in good condition.

(2) Every such company is hereby empowered to enter into agreements binding the company to preserve and maintain in a proper manner for all time to come, the particular lot, tomb, monument or enclosure in any such cemetery or burying ground designated in such gift, assignment, devise, bequest or agreement.

Executors may pay over bequest.

(3) Executors, administrators or trustees, may pay over and transfer to such company moneys or securities in their hands, which they are by the will of their testator, or other instrument, directed to apply for or toward the purposes in this section specified. 49 V. c. 36, ss. 1-3.

Lots to contain not less than 100 superficial feet.

20. Every proprietor of a lot in the cemetery containing not less than one hundred superficial feet, and who has paid twenty-five per cent. or more of the price of the lot, shall be deemed a shareholder in the company, and every such lot shall be deemed a share in the company. R. S. O. 1877, c. 170, s. 19.

No proprietor of less than 100 superficial feet shall be a member or entitled to vote.

21. The company may sell a lot of any size, but no proprietor of a lot containing less than one hundred superficial feet shall thereby become a member of the company or have any vote in the management of the affairs thereof. R. S. O. 1877, c. 170, s. 21.

Shareholders paying \$8 on shares, eligible as directors.

22. Every shareholder who has paid to the company not less than \$8 in all on his share or shares, shall be eligible as a director. R. S. O. 1877, c. 170, s. 20.

Property to be managed by nine directors; a majority to be a quorum.

23. The affairs and property of the company shall be managed by nine directors, a majority of whom shall form a quorum. R. S. O. 1877, c. 170, s. 22.

24. The first directors shall be chosen by ballot from among the subscribers to the registered instrument, and thereafter the directors shall be annually elected by the shareholders on the third Monday in January in every year. R. S. O. 1877, c. 170, s. 23.

25. Upon every election of directors, including the first, every shareholder shall be entitled to one vote for every share he holds or is possessed of up to ten, and one vote for every five shares above ten; but no shareholder shall vote unless he has paid at least \$2 upon each share on which he votes. R. S. O. 1877, c. 170, s. 24.

26. The directors, or a majority of them, shall, at their first meeting, elect one of their number to be president of the company, and the president, if present (or if he is not present, then some director chosen for the occasion), shall preside at every meeting of the directors, and shall not vote except in case of an equality of votes, when he shall have a casting vote. R. S. O. 1877, c. 170, s. 25.

27. The directors may pass by-laws for the laying out, selling, and managing of the ground, for regulating the erection of tombs, monuments, or grave-stones therein, and for empowering the president to execute conveyances of plots. R. S. O. 1877, c. 170, s. 26.

28. The directors shall record in a book kept for the purpose, all their by-laws and proceedings, and every person shall have access to such book for the purpose of searching and making extracts therefrom without payment of any fee. R. S. O. 1877, c. 170, s. 27.

29. The directors may also call for instalments on the sums subscribed for, and may appoint a time for the payment thereof; and if the same are not then paid, the right of the subscriber, and every instalment formerly paid, shall be forfeited, and he shall be held not to have subscribed, unless the directors think it expedient to remit the forfeiture, which they may do if the instalments are paid with interest within one year after the day when they ought to have been paid. R. S. O. 1877, c. 170, s. 28.

30. The directors shall be personally liable for any judgment recovered against the company. R. S. O. 1877, c. 170, s. 29.

31.—(1) Any person who

1. Wilfully destroys, mutilates, defaces, injures or removes any tomb, monument, grave-stone or other structure placed in a cemetery, or any fence, railing, or other work for the protection or ornament of a cemetery, or of any tomb, monument, gravestone, or other structure aforesaid or of any cemetery lot within a cemetery; or,

2. Wilfully destroys, cuts, breaks or injures any tree, shrub or plant in a cemetery ; or,
3. Plays at any game or sport in a cemetery ; or,
4. Discharges fire-arms (save at a military funeral) in a cemetery ; or who,
5. Wilfully and unlawfully disturbs persons assembled for the purpose of burying a body therein ; or who
6. Commits a nuisance in a cemetery ;

shall upon conviction thereof before a Justice of the Peace or other Court of competent jurisdiction, be punished by a fine of not less than \$4 nor more than \$40, according to the nature of the offence.

(2) Such person shall also be liable in an action in the name of the company, to pay all damages occasioned by his unlawful act ; and the money, when recovered, shall be applied under the direction of the directors for the reparation and reconstruction of the property destroyed. R. S. O. 1877, c. 170, s. 30.

Power of
Company to
acquire
additional
land, etc.

32.—(1) In case additional land is required by a cemetery company for the enlargement of a burial ground, if the council of the municipality in which the land is situated shall, by by-law, declare that in the opinion of the council, the company should, for the purpose aforesaid, have power to expropriate the adjacent land in the by-law set forth, and if the Judge of the County Court of the county shall certify that in his opinion the proposed enlargement is for the public advantage and convenience, the company aforesaid, upon registering the by-law and certificate in the proper registry office, shall, in respect of the land in the by-law set forth, possess the powers conferred upon the councils of cities, towns, townships and incorporated villages by sub-sections 11, 12 and 13 of section 489 of *The Municipal Act*.

Rev. Stat. c.
184.

(2) Where the company desires to take proceedings under this section, the proceedings may be initiated by resolution instead of by by-law as provided in the case of municipalities. 48 V. c. 38, s. 6.

Winding up of
Cemetery
companies.

33.—(1) In case a company incorporated under this Act, should, either on account of the burial of bodies in the locality being prohibited by the municipal authorities, or for any other reason, desire to be wound up, then, if no lot has been sold for the purpose of burial, or if such lots have been sold, then with the written consent of all the persons to whom lots have been sold, or of their heirs, or in case any such heir is a minor or insane, then with the assent of the heirs who are of full age and who are of sound mind, the company may be wound up, under *The Joint Stock Companies' Winding-up Act*.

Rev. Stat. c.
183.

(2) All the real and personal property of the company may thereupon be sold by the officers of the company, or by the liquidators, and the proceeds, after payment of all claims against the company, distributed amongst the shareholders.

(3) The property so sold shall be freed and discharged from all trusts arising on account of its having been held for the purposes of a cemetery or cemetery company, but nothing herein contained shall be construed to authorize a distribution amongst shareholders of the proceeds of lands devised or conveyed by way of gift to the company, in trust for the purposes of a cemetery, but the proceeds of such lands shall be applied to such municipal or charitable purposes as the donor of the lands, if he is then living, or if he is dead as the Lieutenant-Governor in Council or the High Court may direct. 45 V. c. 17, s. 22 (1, 2).

CHAPTER 176.

An Act respecting the Incorporation of Cemetery Companies by Letters Patent.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) The Lieutenant-Governor in Council may, by letters patent under the Great Seal, grant a charter to any number of persons not less than ten, who shall petition therefor, constituting such persons, and others who may become shareholders in the company thereby created, a body corporate and politic, for the purpose of establishing a public cemetery near to, but without the limits of, any incorporated village, town or city. 43 V. c. 23, s. 1.

(2) In the case of an incorporated village, a cemetery within the village may be established by the company where it appears to the satisfaction of the Lieutenant-Governor in Council that from the extent of territory included in the village a cemetery may safely be established therein, and that the municipal council and local board of health of the village approve thereof, and that in the opinion of the Provincial Board of Health the proposed cemetery may under all the circumstances be safely permitted.

(3) The expenses of the Provincial Board of Health in the case mentioned in the preceding sub-section shall be paid by or on behalf of the applicants. 50 V. c. 7, s. 16. See Cap. 175, s. 1.

Certain sections of Rev. Stat. c. 157, incorporated.

2. Sections 6, 7, 8, 9, 10, 11, 13, 14, 15, 33, 34, 35, 39, 61, 62, 69, 70, 71, 72 and 73 of *The Ontario Joint Stock Companies' Letters Patent Act*, shall be deemed to be embodied in this Act and shall apply to all companies incorporated hereunder. 43 V. c. 23, s. 2; 45 V. c. 17, s. 22 (3).

Preliminary conditions.

3. Before the letters patent are issued, the applicants must establish to the satisfaction of the Provincial Secretary, or of such other officer as may be charged by order of the Lieutenant-Governor in Council to report thereon, that they have purchased the fee in a lot of land containing not less than twenty-five acres, received a deed therefor, and registered the same in the registry office for the county in which the land is situate. 43 V. c. 23, s. 3.

Owner of land may be a member of company and take stock in payment.

4. The owner of the land may be a member of the company, and may subscribe for stock in the company to an amount equal to the purchase money of the land or for a portion thereof, and may take and hold the said stock in payment for the lot or part payment therefor; and the stock so given for or on account of the purchase of the land shall, for all purposes of this Act, be deemed and treated as paid up stock in the company. 43 V. c. 23, s. 4.

Recital in letters patent.

5. The letters patent shall recite such of the material averments of the notice and petition, as the Lieutenant-Governor may deem convenient to insert therein, and shall contain a description of the land acquired by the company, and the Lieutenant-Governor may, if he thinks fit, give to the company a corporate name different from the name proposed by the applicants in the published notice. 43 V. c. 23, s. 5.

Land held for applicants or company to vest in company.

6. From the date of the said letters patent the company shall without any deed, conveyance or assurance become and be invested with all the estate and interest held by or for the applicants or the company in the land, and the applicants or the company shall forthwith register the letters patent at full length with the registrar of the registry division in which the land is situate. 43 V. c. 23, s. 6.

Power to borrow.

7. The company may borrow money for the purpose of making roads over the land, and for improving and laying out the same, and may repay the amount so borrowed, with interest thereon, at any lawful rate not to exceed eight per centum per annum, out of the first proceeds of the sale of lots in the cemetery, and as security for such loan the company may mortgage all its estate, right, and interest in the premises, and in such mortgage may insert all necessary and usual powers of sale, covenants and conditions, but nothing herein contained shall authorize such mortgagee, or any one claiming under him, to use or deal with the premises

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so mortgaged in a manner inconsistent with the continued use of the premises as a cemetery, or inconsistent with any provision in this Act for the preservation and protection of the same for cemetery purposes. 43 V. c. 23, s. 7.

8. The capital stock of the company shall be an amount Capital. equal at least to the purchase money of the land required for the said cemetery, divided into shares of \$100 each. 43 V. c. 23, s. 8.

9. The provisions contained in *The Act respecting Cemetery Companies* shall apply to any company incorporated under this Rev. Stat. c. 175, to apply. Act and to the shareholders and directors of any such company, except as herein otherwise provided. 43 V. c. 23, s. 9.

10. Nothing herein contained shall prevent any company Incorporation under Rev. Stat. c. 175. *Cemetery Companies*, instead of obtaining incorporation under this Act, if such company sees fit. 43 V. c. 23, s. 10.

CHAPTER 177.

An Act respecting Conveyances to Trustees for Burial Grounds.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Whenever any of the inhabitants of a township or locality in Ontario, to the number of ten or more, desire to take a conveyance of land for a burying ground not to belong exclusively to any particular denomination of Christians, such persons may appoint trustees, to whom and their successors to be appointed in such manner as may be specified in the deed of conveyance, the land may be conveyed; and such trustees and their successors in perpetual succession, by the name expressed in the deed, may take, hold and possess the land, in trust for the uses and purposes limited in the deed, and may maintain and defend actions for the protection thereof and of their property therein; but there shall not be held in trust under any such conveyance for the purposes aforesaid, more than ten acres of land for the inhabitants of any one township or locality. R. S. O. 1877, c. 171, s. 1.

When lands for burying grounds may be vested in trustees.

2. Section 32 of *The Act respecting Cemetery Companies*, Powers of expropriation. shall apply to trustees of cemeteries or burying grounds. Rev. Stat. c. 175. 48 V. c. 38, s. 6.

6. *CHANGING NAMES OF COMPANIES.*

CHAP. 178.—CHANGING NAMES OF COMPANIES, p. 1724.

CHAPTER 178.

An Act respecting the Changing of the Names of Incorporated Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Applications to Lieutenant-Governor to change names of companies.

1. Where an incorporated company within the legislative authority of the Legislature of this Province, whether incorporated under a special or general Act, is desirous of changing its name, the Lieutenant-Governor, upon being satisfied that the company is in a solvent condition, that the change desired is not for any improper purpose, and is not otherwise objectionable, and that the notice hereinafter provided for has been duly given, may, by Order in Council, change the name of the company to some other name set forth in the said Order. R. S. O. 1877, c. 172, c. 1.

Where applicants are a trading Company notice of intention to apply to be given.

2. When the applicants are a trading corporation or a company carrying on business for profit, the company shall give at least four weeks' previous notice in the *Ontario Gazette* and in some newspaper published in the locality in which the operations of the company are carried on, of the intention to apply for the change of name, and shall state the name proposed to be adopted. R. S. O. 1877, c. 172, s. 2; 47 V. c. 27 s. 4 (2).

In case proposed name is objectionable.

3. In case the proposed new name is considered objectionable, the Lieutenant-Governor in Council may, if he thinks fit, change the name of the company to some other unobjectionable name without requiring any further notice to be given. R. S. O. 1877, c. 172, s. 3.

4. Where the name of some locality in the Province of Ontario constitutes part of the name of any company incorporated by letters patent before the 30th day of March, 1885, such company may apply to the Lieutenant-Governor in Council to amend their name by striking out the name of such locality, and such amendment may be made without the publication of any notice in all cases where the name of such locality does not form an essential part of the name of the company. 48 V. c. 32, s. 2, *part*.

5. The change of name shall be conclusively established by the insertion in the *Ontario Gazette* of a notice thereof by the Provincial Secretary. R. S. O. 1877, c. 172, s. 4.

6. No contract or engagement entered into by or with the company, and no liability incurred by it shall be affected by the change of name: and all actions commenced by or against the company prior to the change of name may be proceeded with against or by the company under its former name. R. S. O. 1877, c. 172, s. 6.

7. This Act shall extend to any company incorporated under *The Ontario Joint Stock Companies' Letters Patent Act*, if such company has made or makes an application hereunder, and shall also extend to every corporation aggregate within the legislative authority of the Legislature of this Province, except a municipal corporation or other corporation of a like nature. 47 V. c. 27, s. 4 (1).

See as to Insurance Companies. Cap. 167, ss. 20, 22.

7. FEES PAYABLE BY COMPANIES.

CHAP. 179.—FEES PAYABLE BY COMPANIES, p. 1726.

CHAPTER 179.

An Act respecting Fees payable by Incorporated Companies and other Bodies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Lieutenant-Governor in Council may prescribe Fees.

1. The Lieutenant-Governor in Council may from time to time prescribe the fees to be paid on applications to the Government for the incorporation of companies, or with respect to changes in the names, constitution or powers of companies, or other incorporated bodies whose incorporation is within the authority of the Legislature of Ontario. 47 V. c. 27, s. 6.

8. RETURNS FROM COMPANIES.

CHAP. 180.—RETURNS FROM COMPANIES, p. 1726.

CHAPTER 180.

An Act respecting Returns required from Incorporated Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The word "Return" where used in this Act shall include any list, statement or other information required to be furnished to the Government of Ontario, or to any officer or department thereof, by any incorporated company. 44 V. c. 21, s. 4.

"Return"—
meaning of.

2. No action brought against any incorporated company which is required, or whose directors or officers are required, to make a return to the Government of Ontario, or to any officer or department thereof, or brought against any director or officer of such company, either under the provisions of *The Ontario Joint Stock Companies' Letters Patent Act*, or under any other Act, for not duly making a return in accordance with the requirements of any such Act, or for any default in respect to the mode of dealing with such return, shall be maintained if the action is or was commenced subsequent to the receipt by the proper officer or department of the Government of the return, for the non-making of which, or with reference to which the action is brought, or subsequent to the receipt by such officer or department of a return for a later year: Provided the return made is, except in respect of the time at which the same is made, in substantial compliance with the requirements of the Act under which it is or was made as aforesaid, and is duly verified in accordance with the provisions of such Act, unless the action is brought by the Crown, or by the Attorney-General of Ontario suing on behalf of the Crown. 44 V. c. 21, s. 1.

No action for
default in
making return
to be brought
after receipt
of return by
proper officer.
Rev. Stat. c.
157.

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3. The entire amount of the penalty or penalties to be recovered against a company, or the directors or officers thereof, in respect of any default or defaults in complying with any of the requirements of section 57 of the said *Ontario Joint Stock Companies' Letters Patent Act*, or in complying with the requirements, in respect of the making of returns, of any other Act up to the time at which the action is brought shall not in the whole exceed \$1,000, and in case several actions are brought, either against the company or against its directors or officers, the Court or a Judge thereof may give such directions as may appear just, either for consolidating the actions or staying the later actions, or any of the actions, upon such terms as may be deemed fitting. 44 V. c. 21, s. 2.

Limitation of
amount of
penalty.

Rev. Stat. c.
157, s. 57.

9. SURETYSHIP OF COMPANIES.

CHAP. 181.—ACCEPTANCE OF GUARANTEE COMPANIES AS SURETIES, p. 1728.

CHAPTER 181.

An Act respecting the Acceptance of certain Incorporated Companies as Sureties.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Building and Benevolent Societies and other corporations may accept security of certain companies for their officers.

1. Notwithstanding anything in any Act of the Legislature of this Province passed with respect to building societies, benevolent societies or other corporations, the bonds or policies of guarantee of any incorporated or joint stock company formed and empowered to grant guarantees, bonds or policies, for the integrity and faithful accounting of public officers, or for like purposes, may be accepted instead of, or in addition to, the bond or security of any officer or servant of such society or corporation, in all cases where, by the provisions of such Act, or of any by-law or rule of such society or corporation, such officer or servant is required to give security, either by himself, or by himself and a surety or sureties, and where the parties directed or authorized to take such security see fit to accept the bond or policy of such company as aforesaid, and approve the terms and conditions thereof; and all the provisions in any such Acts relating to such security to be given by any officer or servant, or his sureties, shall apply to the bonds or policies of guarantee of such company as aforesaid. R. S. O. 1877, c. 173, s. 1.

Such security may be taken instead of existing securities.

2. The bonds or policies of guarantee of any such company may be taken instead of or in substitution for any existing securities, if the parties directed or authorized as aforesaid see fit, whereupon the existing securities shall be delivered up to be cancelled. R. S. O. 1877, c. 173, s. 2.

Bonds of Guarantee Companies may be taken as security in other cases.

3. Notwithstanding the provisions of any Act of the Legislature of this Province, the bonds or policies of guarantee of any such incorporated company—empowered to grant guarantees, bonds or policies for the integrity and faith-

ful accounting of public officers, or others, or for like purposes—as shall be approved for this purpose by the Lieutenant-Governor in Council, may be accepted by a Judge or other person authorized or required to take security for the due performance of any duty, instead of, or in addition to, the bond or security of a surety or sureties, if the Judge or other person sees fit to accept such bond or policy as aforesaid, and approves the conditions and terms thereof; and all the provisions in any such Act relating to the security to be given by any person to whom any duty is committed, or his surety or sureties, shall apply to the bonds or policies of guarantee of such company as aforesaid. 42 V. c. 30, s. 1.

10. INVESTMENTS BY CORPORATIONS.

CHAP. 182.—INVESTMENTS BY CORPORATIONS, p. 1729.

CHAPTER 182.

An Act respecting Investments by Corporations.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All corporations having money in their hands which it is their duty, or is in their discretion, to invest, may invest the same, if they see fit, in securities, which are a first charge on land held in fee simple: provided that such investments are in other respects reasonable and proper. This section applies to investments made before the 25th day of March, 1886, whether such investments were or were not authorized by any Statute then in force applying to such corporations. 49 V. c. 16, s. 25 (1). Investments
by corporations.
tions.

2. This Act does not apply to investments by municipal corporations. 49 V. c. 16, s. 25 (2). Application of
Act.

11. WINDING UP OF COMPANIES.

CHAP. 183.—WINDING UP OF JOINT STOCK COMPANIES, p. 1730.

CHAPTER 183.

An Act respecting the winding up of Joint Stock Companies.

SHORT TITLE, s. 1.
 APPLICATION OF ACT, s. 2.
 INTERPRETATION, s. 3.
 WHEN COMPANY MAY BE WOUND UP,
 ss. 4-6.
 REGISTRATION OF WINDING UP ORDER
 OR RESOLUTION, s. 7.
 CONSEQUENCES OF COMMENCING TO
 WIND UP, s. 8.
 LIQUIDATORS, ss. 9-13, 19.
 LIABILITY OF CONTRIBUTORIES, ss.
 14-18.
 EXPENSES, ss. 20, 21.
 MEETINGS OF CONTRIBUTORIES, s. 22.
 APPLICATIONS TO COURT, ss. 23-30.
 Matters of practice, ss. 31-39.
 DISSOLUTION OF COMPANIES, ss. 40-44

RULES, s. 45.
 APPLICATION OF SECTS. 47-56, s. 46.
 RESOLUTIONS FOR DISTRIBUTION OF
 ASSETS OR REDUCTION OF CAPITAL,
 ss. 47-50.
 Liability of officers for payments
 made under resolution, s. 51.
 Liability of shareholders for money
 received, s. 52.
 Restriction as to insurance com-
 panies, s. 53.
 Resolution for reduction of shares
 not to affect amount remaining
 unpaid thereon, s. 54.
 Notice of reduction of shares, ss.
 55, 56.

HER MAJESTY, by and with the advice and consent of
 the Legislative Assembly of the Province of Ontario,
 enacts as follows:—

Short title. 1. This Act may be cited as "*The Joint Stock Companies' Winding-up Act.*" 41 V. c. 5, s. 1.

Application of Act. 2. This Act shall apply to all incorporated companies or associations incorporated by the Legislature of this Province, or under the authority of any Act of this Province, and to all companies and associations which were incorporated by the Parliament of the Province of Upper Canada, or of the Province of Canada, or under the authority of any Act of the Province of Canada, whose incorporation and the affairs thereof, in the particulars hereinafter mentioned, are subject to the legislative authority of this Province. 41 V. c. 5, s. 2.

INTERPRETATION.

3. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears :

1. "Court" means any County Court; and any Judge of a County Court may at any time exercise all the powers conferred by this Act upon the Court; "Court."
Power of
County Court
Judge.

2. "Contributory" means every person liable to contribute to the assets of a company under this Act, in the event of the same being wound up: it shall, also, in all proceedings prior to the final determination of such persons, include any person alleged to be a contributory; "Contribu-
tory."

3. If a contributory dies either before or after he has been placed on the list of contributories hereinafter mentioned, his personal representatives, heirs and devisees shall be liable in due course of administration to contribute to the assets of the company in discharge of the liability of such deceased contributory, and such personal representatives, heirs, and devisees shall be deemed to be contributories accordingly; Case of death
of contribu-
tory.

4. "Extraordinary resolution" means a resolution passed by a majority of not less than three-fourths of such members of the company, for the time being entitled to vote, as may be present in person, or by proxy (in cases where by the Act or charter or instrument of incorporation or the regulations of the company proxies are allowed), at any general meeting of which notice specifying the intention to propose such resolution has been duly given; "Extraordi-
nary resolu-
tion."

5. "Special resolution" means a resolution passed in the manner necessary for an extraordinary resolution, where the resolution after having been so passed as aforesaid has been confirmed by a majority of such members (entitled according to the Act, charter or instrument of incorporation or the regulations of the company to vote) as may be present, in person or by proxy, at a subsequent general meeting of which notice has been duly given, and held at an interval of not less than fourteen days, or more than one month from the date of the meeting at which the resolution was first passed. 41 V. c. 5, s. 3. "Special reso-
lution."

WHEN COMPANIES MAY BE WOUND UP.

4. A company may be wound up under this Act :

1. Where the period, if any, fixed for the duration of the company by the Act, charter or instrument of incorporation has expired; or where the event (if any) has occurred, upon the occurrence of which it is provided by the Act or charter or instrument of incorporation that the company is to be dissolved, and the company in general meeting has passed a resolution requiring the company to be wound up; When com-
panies may be
wound up vol-
untarily.

On special resolution.

2. Where the company has passed a special resolution (as hereinbefore defined) requiring the company to be wound up;

On extraordinary resolution

3. Where the company (though it may be solvent as respects creditors) has passed an extraordinary resolution (as hereinbefore defined) to the effect that it has been proved to their satisfaction that the company cannot by reason of its liabilities continue its business, and that it is advisable to wind up the same. 41 V. c. 5, s. 4.

When by order of the court.

5. Where no such resolution has been passed as mentioned in the next preceding section, the Court may, on the application of a contributory, make an order for winding up, in case the Court is of opinion that it is just and equitable that the company should be wound up. 41 V. c. 5, s. 5.

Commencement of winding up.

6. A winding up shall be deemed to commence at the time of the passing of the resolution authorizing the winding up, or of making the order directing the winding up. 41 V. c. 5, s. 6.

REGISTRATION.

Registration of winding up order.

7. A copy of the resolution or order for winding up, certified by the liquidator, may be registered in the registry office of any registry division wherein the company may have any real estate; the resolution or order shall be accompanied by a description of the real estate belonging to the company in the registry division, and certified by the liquidator to be a correct description; and the registrar shall register the order and description upon payment to him of a fee of \$1. 41 V. c. 5, s. 7.

CONSEQUENCES OF COMMENCING TO WIND UP.

Consequences of commencement to wind up.

8. The following consequences shall ensue upon the commencement of the winding up of a company under the authority of this Act:

Extent to which company to exist after commencement of winding up.

1. The company shall, from the date of the commencement of the winding up, cease to carry on its business, except in so far as may be required for the beneficial winding up thereof; and any transfers of shares, except transfers made to or with the sanction of the liquidators, or any alteration in the status of the members of the company, after the commencement of the winding up, shall be void, but the corporate state and all the corporate powers of the company shall, notwithstanding it may be otherwise provided by the Act, charter, or instrument of incorporation, continue until the affairs of the company are wound up.

Transfer of shares.

Property of company.

2. The property of the company shall be applied in satisfaction of its liabilities, and subject thereto, and to the charges incurred in winding up its affairs, shall (unless it is otherwise

provided by the Act, charter, or instrument of incorporation) be distributed amongst the members according to their rights and interests in the company.

3. Liquidators shall be appointed for the purpose of winding up the affairs of the company and distributing the property. Liquidators.

4. The company, in general meeting, shall appoint such persons or person as the company thinks fit to be liquidators or a liquidator, and may fix the remuneration to be paid to them or to him, and they shall give such security as the Court may determine. Appointment of liquidators. Remuneration. Security.

5. If one person only is appointed, all the provisions herein contained in reference to several liquidators shall apply to him. One liquidator.

6. Upon the appointment of liquidators, all the powers of the directors shall cease, except in so far as the company in general meeting, or the liquidators, may sanction the continuance of such powers. Cesset of powers of liquidators.

7. Where several liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of the appointment, or at a subsequent meeting, or, in default of such determination, by any number not less than two. Powers of several liquidators.

8. The contributories may at any meeting appoint one or more inspector or inspectors, to superintend and direct the proceedings of the liquidator in the management and winding up of the estate; and in case of an inspector being appointed, all the powers of the liquidator shall be exercised subject to the advice and direction of the inspectors; and the contributories may also at any subsequent meeting held for that purpose, revoke any such appointment; and upon such revocation, or in case of death, resignation or absence from the Province of an inspector, may appoint another in his stead; and such inspector may be paid such remuneration as the contributories may determine; and where anything is allowed or directed to be done by the inspectors, it may or shall be done by the sole inspector, if only one has been appointed. Appointment of inspectors. Revocations. Remuneration.

9. The contributories may, at any meeting, pass any resolution or order, directing the liquidator how to dispose of the property, real or personal, of the company; and in default of their doing so, the liquidator shall be subject to the directions, orders and instructions which he from time to time receives from the inspectors, if any, with regard to the mode, terms and conditions on which he may dispose of the whole or any part of the property of the company. 41 V. c. 5, s. 8. Directions as to disposal of property of the company by liquidation.

GENERAL POWERS OF LIQUIDATORS.

9. The liquidator may be described in all proceedings by the style of "A.B., the liquidator of" *(the particular company in* Description and general power of liquidator.

respect of which he is appointed), and shall have power to do the following things :

- Bring actions. 1. To bring or defend any action, or other legal proceeding in the name, and on behalf of the company ;
- Carry on business. 2. To carry on the business of the company so far as may be necessary for the beneficial winding up of the same ;
- Sell property. 3. To sell the real and personal property of the company by public auction or private contract, according to the ordinary mode in which such sales are made, with power to transfer the whole property to any person or company, or to sell the same in parcels, and on such terms as shall seem most advantageous ; but no sale of the assets *en bloc* shall be made without the previous sanction of the contributories given at a meeting called for that purpose ;
- Sale of debts. 4. And in case, after having acted with due diligence in the collection of the debts, the liquidator finds that there remain debts due, the attempt to collect which would be more onerous than beneficial to the estate, he shall report the same to the contributories or inspectors (if any) ; and with their sanction, he may sell the same by public auction after such advertisement thereof as they may order ; and pending such advertisements, the liquidator shall keep a list of the debts to be sold, open to inspection at his office, and shall also give free access to all documents and vouchers explanatory of such debts ; but all debts amounting to more than \$100 shall be sold separately, except as herein otherwise provided ;
- Draw, etc., bills and notes. 5. To draw, accept, make and endorse any bill of exchange or promissory note in the name and on behalf of the company ; and to raise upon the security of the assets of the company, from time to time, any requisite sum or sums of money ; and the drawing, accepting, making or endorsing of such bill of exchange or promissory note on behalf of the company, shall have the same effect, with respect to the liability of the company, as if such bill or note had been drawn, accepted, made or endorsed by or on behalf of the company in the course of carrying on the business thereof ;
- Take out letters of administration to deceased contributories and collect debts. 6. To take out, if necessary, in his official name, letters of administration to any deceased contributory ; and to do in his official name any other act which may be necessary for obtaining payment of any money due from a contributory or from his estate, and which act cannot be conveniently done in the name of the company ; and in all cases where he takes out letters of administration, or otherwise uses his official name, for obtaining payment of any money due from a contributory, such money shall, for the purpose of enabling him to take out such letters or recover such money, be deemed to be due to the liquidator himself ;
- Execute deeds. 7. To execute in the name of the company all deeds, receipts and other documents ;

8. And to do and exercise all other acts and things that may be necessary for the winding up of the affairs of the company and the distribution of its assets; and for such purposes to use when necessary the company's seal. 41 V. c. 5, s. 9.

Other things.
Company's seal.

10.—(1) The liquidator may fix a certain day or certain days on or within which creditors of the company and others having claims thereon are to send in their claims.

Time for creditors to send in claims may be fixed.

(2) Where a liquidator has given such or the like notices of the said day, as in administration proceedings, would be given by the High Court, for creditors and others to send in to an executor or administrator their claims against the estate of a testator or intestate, the liquidator shall, at the expiration of the time named in the said notices, or the last of the said notices, for sending in such claims, be at liberty to distribute the assets of the company, or any part thereof, amongst the parties entitled thereto, having regard to the claims of which the liquidator has then notice; and the liquidator shall not be liable for the assets, or any part thereof, so distributed to any person of whose claim such liquidator had not notice at the time of distributing the said assets, or a part thereof, as the case may be; but nothing in this Act contained, shall prejudice the right of any creditor or claimant to follow assets into the hands of the person who may have received the same. 41 V. c. 5, s. 10.

Liquidator may distribute assets after expiration of time fixed.

[*Priority of Wages or Salary.* See Cap. 127, s. 2.]

11. The liquidators may, with the sanction of an extraordinary resolution of the company, make such compromise or other arrangement as the liquidators deem expedient, with any creditors, or persons claiming to be creditors, or persons having or alleging to have any claim, present or future, certain or contingent, ascertained or sounding only in damages, against the company, or whereby the company may be rendered liable. 41 V. c. 5, s. 11.

Arrangements may be authorized with creditors.

12. The liquidators may, with the sanction of an extraordinary resolution of the company, compromise all calls and liabilities to calls, debts, and liabilities capable of resulting in debts, and all claims, whether present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist between the company and any contributory or other debtor or person apprehending liability to the company, and all questions in any way relating to or affecting the assets of the company or the winding up of the company, upon the receipt of such sums, payable at such times, and generally upon such terms, as may be agreed upon; with power for the liquidators to take any security for the discharge of such debts or liabilities, and to give a complete discharge in respect of all or any such calls, debts or liabilities. 41 V. c. 5, s. 12.

Power to compromise with debtors and contributories.
Take security.

Power to accept shares, etc., as a consideration for sale of property to another company.

13.—(1) Where a company is proposed to be or is in the course of being wound up, and the whole or a portion of its business or property is proposed to be transferred or sold to another company, the liquidators of the first mentioned company, with the sanction of a special resolution of the company by whom they were appointed conferring either a general authority on the liquidators, or an authority in respect of any particular arrangement, can receive, in compensation or in part compensation for such transfer or sale, shares or other like interest in such other company, for the purpose of distribution amongst the members of the company which is being wound up, or may, in lieu of receiving cash, shares, or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing company.

Sale or arrangement by liquidators binding unless a member objects.

(2) Any sale made or arrangement entered into by the liquidators in pursuance of this section shall be binding on the members of the company which is being wound up, subject to the proviso, that if any member of the company which is being wound up, who has not voted in favour of the special resolution passed by the company of which he is a member, at either of the meetings held for passing the same, expresses his dissent from any such special resolution, in writing, addressed to the liquidators or one of them, and left at the head office of the company not later than seven days after the date of the meeting at which such special resolution was passed, such dissentient member may require the liquidators to do one of the following things as the liquidators may prefer, that is to say, either (a) to abstain from carrying such resolution into effect, or (b) to purchase the interest held by such dissentient member, at a price to be determined in manner hereinafter mentioned, such purchase-money to be paid before the company is dissolved, and to be raised by the liquidators in such manner as may be determined by special resolution.

Proceedings on objection.

Special resolution not invalid because prior to resolution to wind up.

(3) No special resolution shall be deemed invalid for the purposes of this section by reason that it is passed antecedently to or concurrently with any resolution for winding up the company, or for appointing liquidators.

Price payable to objecting member.

(4) The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement; but if the parties dispute about the same such dispute shall be settled by arbitration.

Mode of determining price.

Arbitration.

(5) For the purposes of the arbitration the liquidator shall appoint one arbitrator, and the dissentient member shall appoint another, and the two arbitrators thus chosen (or in case they disagree, the County Judge) shall appoint a third arbitrator.

Majority to determine disputes.

(6) The arbitrators thus chosen or any two of them, or the arbitrator of one party and an arbitrator appointed by the County Judge (in case of the refusal or neglect of either party to appoint an arbitrator) shall finally determine the matter in dispute.

(7) In case of the disagreement of two arbitrators, where two Umpire. only are acting, they may appoint an umpire, whose award shall be conclusive. 41 V. c. 5, s. 13.

LIABILITY OF CONTRIBUTORIES.

14.—(1) As soon as may be after the commencement of the winding up of a company, the liquidator shall settle a list of contributories. Liquidators to settle list of contributories.

(2) Every shareholder or member of the company or his representative is liable to contribute the amount unpaid on his shares of the capital, or on his liability to the company or to its members or creditors, as the case may be, under the Act, charter, or instrument of incorporation of the company; and the amount which he is liable to contribute shall be deemed assets of the company, and to be a debt due to the company payable as may be directed or appointed under this Act. Shareholders liability to contribute.

(3) Where a shareholder has transferred his shares under circumstances which do not by law free him from liability in respect thereof, or where he is by law liable to the company or its contributories or any of them, to an amount beyond the amount unpaid on his shares, he shall be deemed a member of the company for the purposes of this Act, and shall be liable to contribute as aforesaid to the extent of his liabilities to the company or the contributories independently of this Act, and the amount which he is so liable to contribute shall be deemed assets and a debt as aforesaid. Case of transfer of shares by shareholder.

(4) The list of contributories shall distinguish between persons who are contributories as being representatives of or liable for others. Contributories liable in a representative character to be distinguished in list.

(5) It shall not be necessary where the personal representative of a deceased contributory is placed on the list to add the heirs or devisees of such contributory; nevertheless such heirs or devisees may be added at any time afterwards. When real representatives need not be inserted.

(6) Any list so settled shall be *prima facie* evidence of the liability of the persons named therein to be contributories. 41 V. c. 5, s. 14. List to be evidence of liability.

15.—(1) The list of contributories may be settled by the Court in which case the liquidator shall make out and leave at the chambers of the Judge a list of the contributories of the company; and such list shall be verified by the affidavit of the liquidator, and shall, so far as is practicable, state the respective addresses of, and the number of shares or extent of interest to be attributed to each such contributory, and distinguish the several classes of contributories; and the list may from time to time, by leave of the Judge, be varied or added to by the liquidator. Settlement of list by the court.

(2) Upon the list of contributories being left at the chambers of the Judge, the liquidator shall obtain an appointment for the Procedure on settling list by the court.

Judge to settle the same, and shall give notice in writing of the appointment to every person included in the list, and stating in what character, and for what number of shares, or interest, such person is included in the list; and in case any variation in or addition to the list is at any time made by the liquidator, a similar notice in writing shall be given to every person to whom the variation or addition applies. All such notices shall be served four clear days before the day appointed to settle such list, or such variation or addition.

Certificate of result of settlement.

(3) The result of the settlement of the list of contributories shall be stated in a certificate by the clerk of the Court; and certificates may be made from time to time for the purpose of stating the result of the settlement down to any particular time, or to any particular person, or stating any variation of the list. 41 V. c. 5, s. 15.

Provision for administration if personal representative fails to pay.

16. If a person made a contributory as personal representative of a deceased contributory makes default in paying any sum to be paid by him, proceedings may be taken for administering the estate of the deceased contributory, and for compelling payment thereof of the money due. 41 V. c. 5, s. 16.

Calls on contributories.

17. The liquidators may, at any time and before they have ascertained the sufficiency of the assets of the company, call on all or any of the contributories, for the time being settled on the list of contributories, to pay, to the extent of their liability, all or any sums the liquidators deem necessary to satisfy the debts and liabilities of the company, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves; and the liquidators may, in making a call, take into consideration the probability that some of the contributories upon whom the call is made, may partly or wholly fail to pay their respective portions of the same. 41 V. c. 5, s. 17.

Contributories liable to arrest like debtors under Rev. Stat. c. 67.

18. Where a person's name is on the list of contributories or is liable to be placed thereon, he shall be subject in respect of his liability, and on the application of the liquidator, to arrest and imprisonment, like any other debtor; and he shall for that purpose be deemed a debtor to the company, and a debtor to the liquidator, and his arrest may be by an order of the County Court Judge, whether the amount of his liability exceeds or not the ordinary jurisdiction of the said Court; and his being placed on the list of contributories under this Act shall be deemed a judgment, and the liquidator shall be deemed a creditor, within the meaning of *The Act respecting Arrest and Imprisonment for Debt*; and the said persons shall respectively have the same remedies, and the County Court and Judges and the officers of justice shall in such cases have the same powers and duties (as nearly as may be), as in corresponding cases under the said Act. 41 V. c. 5, s. 18.

LIQUIDATOR'S DUTIES.

19.—(1) No liquidator shall employ any counsel, or solicitor, without the consent of the inspectors, or of the contributories.

Employment of counsel.

(2) No liquidator or inspector shall purchase, directly or indirectly, any part of the stock in trade, debts or assets of any description of the estate.

Liquidators or inspectors not to purchase assets of company.

(3) The liquidator shall deposit at interest in some chartered bank to be indicated by the inspectors or by the Court, all sums of money which he may have in his hands, belonging to the company, whenever such sums amount to \$100.

Deposit in bank by liquidators.

(4) Such deposit shall not be made in the name of the liquidator generally, on pain of dismissal: but a separate deposit account shall be kept for the company of the moneys belonging to the company, in the name of the liquidator as such, and of the inspectors (if any); and such moneys shall be withdrawn only on the joint cheque of the liquidator and one of the inspectors, if there be any.

Separate deposit account to be kept; withdrawal from account.

(5) At every meeting of the contributories, the liquidators shall produce a bank pass-book, shewing the amount of deposits made for the company, the dates at which the deposits were made, the amounts withdrawn and dates of such withdrawal; of which production mention shall be made in the minutes of the meeting, and the absence of such mention shall be *prima facie* evidence that the pass-book was not produced at the meetings.

Liquidator to produce bank pass-book at meetings, etc.

(6) The liquidator shall also produce the pass-book whenever so ordered by the Court at the request of the inspectors or a contributory, and on his refusal to do so, he shall be treated as being in contempt of Court.

Liquidator to produce bank pass-book when ordered.

(7) Every liquidator or inspector shall be subject to the summary jurisdiction of the Court in the same manner and to the same extent as the ordinary officers of the Court are subject to its jurisdiction; and the performance of his duties may be compelled, and all remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, lien or right of property upon, in, or to any effects or property in the hands, possession or custody of a liquidator, may be obtained by an order of the Court on summary petition, and not by any action, attachment, seizure or other proceeding of any kind whatever; and obedience by the liquidator to such order may be enforced by the Court under the penalty of imprisonment, as for contempt of Court or disobedience thereto; or he may be removed in the discretion of the Court. 41 V. c. 5, s. 19.

Liquidator and inspector to be subject to summary jurisdiction of court.

Obedience how enforced.

EXPENSES.

20. All costs, charges and expenses properly incurred in the voluntary winding-up of a company, including the remuneration of the liquidators, shall be payable out of the assets of the company in priority to all other claims. 41 V. c. 5, s. 20.

Costs and expenses.

Remuneration
of liquidators
in case no
other fixed.

21. In case of there being no agreement or provision fixing the remuneration of a liquidator, he shall be entitled to a commission on the net proceeds of the estate of the company of every kind, after deducting expenses and disbursements, such commission to be of five per cent. on the amount realized, not exceeding \$1,000, the further sum of two and a half per cent. on the amount realized in excess of \$1,000, and not exceeding \$5,000, and a further sum of one and a quarter per cent. on the amount realized in excess of \$5,000; which said commission shall be in lieu of all fees and charges for his services. 41 V. c. 5, s. 21.

MEETINGS OF CONTRIBUTORIES.

Filling vacan-
cies in office of
liquidator.

22.—(1) If a vacancy in the office of liquidators appointed by the company, occurs by death, resignation or otherwise, a general meeting for the purpose of filling up the vacancy may be convened by the continuing liquidators, if any, or if none, then by any contributory of the company.

General meet-
ings during
winding up.

(2) The liquidators may from time to time, during the continuance of the winding up, summon general meetings of the company for the purpose of obtaining the sanction of the company by special resolution or extraordinary resolution, or for any other purposes they think fit.

Annual meet-
ings.

(3) In the event of the winding up continuing for more than one year, the liquidators shall summon a general meeting of the company at the end of the first year, and of each succeeding year from the commencement of the winding up, or as soon thereafter as may be convenient; and shall lay before the meeting an account, shewing their acts and dealings, and the manner in which the winding up has been conducted during the preceding year.

Liquidators to
call meetings
of contribu-
tories.

(4) The liquidator shall also call meetings of the contributories whenever required in writing so to do, by the inspector or five contributories, or by the Court, and he shall state succinctly in the notice calling any meeting the purpose thereof.

Subsequent
meetings.
Where meet-
ings to be
held.

(5) The contributories may, from time to time, at any meeting, determine where subsequent meetings shall be held; and in the absence of such a resolution all meetings of the contributories shall be held at the office of the liquidator or of the company, unless otherwise ordered by the Court.

One mode of
giving notice
of meeting.

(6) Notice of any meeting shall for the purposes of this Act be deemed to be duly given, and the meeting to be duly held, whenever the notice is given and meeting held in manner prescribed by the Act, charter or instrument of incorporation or by the regulations of the company, or by the Court; or

Another mode
of notice of
meeting.

(7) Notice of the meeting may be given by publication thereof for at least two weeks in the *Ontario Gazette*, or by such other or additional notice as the Court, or the inspector or

the company may direct, and by also, except where the Court otherwise directs, addressing notices of the meeting to the contributories within the Province, and to the representatives, within the Province, of contributories who reside out of the Province; and the notices shall be posted at least ten days before the day on which the meeting is to take place, the postage being prepaid by the liquidator.

(8) No contributory shall vote at any meeting unless present personally, or represented by some person having a written authority (to be filed with the liquidator) to act on his behalf at the meeting, or generally; and when a poll is taken reference shall be had to the number of votes to which each member is entitled by the Act, charter or instrument of incorporation or the regulations of the company. 41 V. c. 5, s. 22.

Voting to be in person or by proxy.

Scale of votes.

ASSISTANCE OF THE COURT.

23.—(1) The liquidators or any contributory of the company may apply to the Court to determine any question arising in the matter of the winding up; or to exercise all or any of the powers following; and the Court, if satisfied that the determination of the question, or the required exercise of power, will be just and beneficial, may accede wholly or partially to the application, on such terms and subject to such conditions as the Court thinks fit; or it may make such other order on the application as the Court thinks just.

Applications to the court.

(2) The Court, at any time after the presentation of a petition for winding up a company and before making an order for winding up the company, may restrain further proceedings in any action or proceeding against the company (other than under the Insolvent Acts in force at the time, or any other authority with which this Legislature has no jurisdiction) in and upon such terms as the Court thinks fit.

Stay of action against company before order to wind up.

(3) The Court may make an order that no action or other proceeding shall be proceeded with or commenced against the company except with the leave of the Court, and subject to such terms as the Court may impose; but this sub-section does not apply to proceedings under any Act of the Parliament of Canada under its jurisdiction in matters of bankruptcy and insolvency or otherwise; a copy of such order shall forthwith be advertised as the Court may direct.

Stay of action after commencement of winding up.

(4) The Court may settle the list of contributories.

Settlement of list of contributories.

(5) The Court may direct meetings of the contributories to be summoned, held and conducted in such manner as the Court thinks fit, for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the Court.

Meetings of contributories may be ordered.

Chairman.

(6) The Court may require any contributory for the time being settled on the list of contributories, or any trustee, receiver, banker, or agent or officer of the company, to pay, Order for delivery by contributories and others of property, etc.

deliver, convey, surrender or transfer forthwith, or within such time as the Court directs, to or into the hands of the liquidator, any sum or balance, books, papers, estate, or effects which happen to be in his hands for the time being, and to which the company is *prima facie* entitled.

Order for payment by contributories.

(7) The Court may make an order on any contributory for the time being settled on the list of contributories, directing payment to be made, in manner in the order mentioned, of moneys due from him or from the estate of the person whom he represents, to the company, exclusive of moneys which he or the estate of the person whom he represents may be liable to contribute by virtue of any call made or to be made by the Court in pursuance of this Act.

Power to order payment into a bank to account of official liquidator.

(8) The Court may order any contributory, purchaser or other person from whom money is due to the company to pay the same into any bank appointed for this purpose in any general order made under this Act, or in default of such bank into a bank named in the order, or into a branch of such bank, to the account of the official liquidator instead of to the official liquidator, and the order may be enforced in the same manner as if it had directed payment to the official liquidator.

Order on contributory to be conclusive evidence, except as to real estate of deceased.

(9) An order made by the Court in pursuance of this Act upon any contributory shall, subject to the provisions herein contained for appealing against such order, be conclusive evidence that the moneys, if any, thereby appearing to be due, or ordered to be paid, are due; and all other pertinent matters stated in the order are to be taken to be truly stated, as against all persons, and in all proceedings whatsoever, with the exception of proceedings taken against the real estate of any deceased contributory, in which case the order shall only be *prima facie* evidence for the purpose of charging his real estate, unless his heirs or devisees were on the list of contributories at the time the order was made.

Inspection of books.

(10) The Court may make such order for the inspection by the creditors and contributories of the company of its books and papers as the Court thinks just; and any books and papers in the possession of the company may be inspected in conformity with the order of the Court, but not further or otherwise.

Examination of persons before court or liquidator.

(11) The Court may, at any time after the commencement of the winding up of the company, summon to appear before the Court or liquidator any officer of the company, or any other person known or suspected to have in his possession any of the estate or effects of the company, or supposed to be indebted to the company, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate or effects of the company; and in case of refusal to appear or answer the questions submitted, he may be committed and punished by the Judge as for a contempt.

(12) The Court may require any such officer or person to produce any books, papers, deeds, writings, or other documents in his custody or power relating to the company. Production of books, etc.

(13) If any person so summoned, after being tendered the fees to which a witness is entitled in the County Courts, refuses to come before the Court or liquidator at the time appointed, having no lawful impediment, the Court may cause such person to be apprehended, and brought before the Court or liquidator for examination. Penalty on person summoned not attending.

(14) The Court or liquidator may examine, upon oath, any person appearing, or brought before them in the manner aforesaid, concerning the affairs, dealings, estate or effects of the company, and may reduce into writing the answers of every such person, and require him to subscribe the same. Mode of examination.

(15) In any proceeding under this Act, the Court may order a writ of *subpœna ad testificandum*, or of *subpœna duces tecum* to issue, commanding the attendance as a witness of any person within the limits of Ontario. Subpœnas.

(16) Where any person claims a lien on papers, deeds, or writings or documents produced by him, such production shall be without prejudice to the lien; and the Court shall have jurisdiction in the winding up to determine all questions relating to such lien. Liens.

(17) Where in the course of winding up a company under this Act, it appears that any past or present director, manager, official or other liquidator, or any officer of the company has misapplied, or retained in his own hands, or become liable or accountable for moneys of the company, or been guilty of any misfeasance or breach of trust in relation to the company, the Court may, on the application of a liquidator, or of any contributory of the company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such director, manager, or other officer, and compel him to repay the moneys so misapplied or retained, or for which he has become liable or accountable, together with interest after such rate as the Court thinks just, or to contribute such sums of money to the assets of the company by way of compensation in respect of such misapplication, retainer, misfeasance, or breach of trust, as the Court thinks just. Power of court to assess damages against delinquent directors, etc.
41 V. c. 5, s. 23.

24 If at any time a contributory desires to cause any proceeding to be taken which, in his opinion, would be for the benefit of the company, and the liquidator, under the authority of the contributories or of the inspectors, refuses or neglects to take such proceeding, after being duly required so to do, the contributory shall have the right to obtain an order of the Court authorizing him to take such proceeding in the name of the liquidator or company, but at his own expense and risk, upon such terms and conditions as to indemnity to the liqui- Proceedings by contributories, at their own expense and for their own benefit only.

dator, as the Court may prescribe; and thereupon any benefit derived from such proceeding shall belong exclusively to the contributory instituting the same, for his benefit and that of any other contributory who may have joined him in causing the institution of such proceeding; but if, before such order is granted, the liquidator shall signify to the Court his readiness to institute such proceeding for the benefit of the company, an order shall be made prescribing the time within which he shall do so and in that case the advantage derived from such proceeding, shall appertain to the company. 41 V. c. 5, s. 24.

Filling vacancies in office of liquidator.

25.—(1) If a vacancy in the office of liquidator appointed by the company occurs by death, resignation or otherwise, the company in general meeting may fill up such vacancy.

Appointment by court.

(2) If from any cause there is no liquidator acting, either provisionally or otherwise, the Court may on the application of a contributory, appoint a liquidator or liquidators.

Removal of liquidator.

(3) The Court may also on due cause shewn, remove a liquidator, and appoint another liquidator.

The case of no liquidator.

(4) When there is no liquidator the estate shall be under the control of the Court until the appointment of a new liquidator. 41 V. c. 5, s. 25.

Rescinding of resolution, etc., by the court.

26.—(1) Any one or more contributories whose claims in the aggregate exceed \$500, who may be dissatisfied with the resolutions adopted or orders made by the contributories or the inspectors, or with any action of the liquidator for the disposal of the property of the company, or any part thereof, or for postponing the disposal of the same, or with reference to any matter connected with the management or winding up of the estate, may, within four clear days after the meeting of the contributories in case the subject of dissatisfaction is a resolution or order of the contributories, or within four clear days after becoming aware or having notice of the resolution of the inspectors or action of the liquidator where such resolution or action is the subject of dissatisfaction, give to the liquidator notice that he or they will apply to the Court, on the day and at the hour fixed by such notice, (and not being later than four clear days after such notice has been given), or as soon thereafter as the parties may be heard before the Court, to rescind such resolutions or orders.

Confirmation or variation of resolutions, etc.

(2) The Court, after hearing the inspectors, the liquidators and contributories present at the time and place so fixed, may approve, rescind or modify the said resolutions or orders.

Costs.

(3) In case of the application being refused the party applying shall pay all costs occasioned thereby, and in other cases the costs and expenses shall be in the discretion of the Court. 41 V. c. 5, s. 26.

27.—(1) Any party who is dissatisfied with any order or decision of the Court in any proceeding under this Act, may appeal therefrom to the Court of Appeal, or to any one of the Judges of the said Court; but any appeal to a single Judge may, in his discretion, be referred, on a special case to be settled, to the full Court, and on such terms in the meantime as he may think necessary and just. Appeals.

(2) No such appeal shall be entertained unless the appellant has, within eight days from the rendering of such final order or judgment, taken proceedings on the said appeal, nor unless within the said time he has made a deposit or given security, to the satisfaction of a Judge, that he will duly prosecute the said appeal and pay such damages and costs as may be awarded to the respondent. Security for damages and costs.

(3) If the party appellant does not proceed with his appeal, as the case may be, according to the law or the rules of practice, the Court, on the application of the respondent, may dismiss the appeal, and condemn the appellant to pay the respondent the costs by him incurred. Dismissal of appeal.

(4) The judgment of the Court of Appeal shall be final. Judgment final.
41 V. c. 5, s. 27.

28. Any powers by this Act conferred on the Court shall be deemed to be in addition to any other power, of instituting proceedings against any contributory, or against any debtor of the company for the recovery of any call or other sums due from such contributory, or against any debtor of the company, for the recovery of any call or other sum due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly. 41 V. c. 5, s. 28. Powers of court to be in addition to other powers.

29. All orders made by the Court may be enforced in the same manner as orders of such Court made in any action pending therein, or as orders of the Court under the Insolvent Acts in force at the time may be enforced; and for the purposes of this part of the Act, the County Courts and the Judges thereof shall, in addition to their ordinary powers, have the same power of enforcing any orders made by them as the High Court has in relation to matters within the jurisdiction of that Court; and for the last-mentioned purposes the jurisdiction of the County Court Judge shall be deemed to be co-extensive in local limits with the jurisdiction of the High Court. 41 V. c. 5, s. 29. Enforcing of orders.

30. The various County Courts of the Province, and the Judges of the said Courts respectively shall be auxiliary to one another for the purposes of this Act: and the winding up of a company, or any matter or proceeding relating thereto, may be transferred from one County Court to another with the concurrence, or by the order or orders, of the two Courts, or by an order of a Judge of the Court of Appeal. 41 V. c. 5, s. 30. County Courts to be auxiliary.
Transfer from one Court to another.

MATTERS OF PRACTICE.

Enforcement
of order of one
Court by ano-
ther.

31. Where an order made by one Court is required to be enforced by another Court, an office copy of the order so made, certified by the clerk of the Court which made the same, and under the seal of such Court, shall be produced to the proper officer of the Court required to enforce the same, and the production of such copy shall be sufficient evidence of the order having been made; and thereupon such last mentioned Court shall take such steps in the matter as may be requisite for enforcing such order in the same manner as if it were the order of the Court enforcing the same. 41 V. c. 5, s. 31.

Petition on
winding up.

32.—(1) Any application to the Court for winding up of a company under this Act shall be by petition; and the petition may be presented by the company, or by any contributory or contributories of the company.

Course of
Court on hear-
ing of petition.

(2) Upon hearing the petition the Court may dismiss the same, with or without costs, or may adjourn the hearing conditionally or unconditionally, and may make an interim order, or any other order that it deems just. 41 V. c. 5, s. 32.

Stay of pro-
ceedings.

33. The Court at any time after an order has been made for winding up a company, may, upon the application by motion of any contributory, and upon proof to the satisfaction of the Court that all proceedings in relation to the winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as the Court deems fit. 41 V. c. 5, s. 33.

Rules of pro-
cedure in
ordinary cases,
etc., to apply.

34. The rules of procedure for the time being as to amendments of pleadings and proceedings in the County Court, shall, as far as practicable, apply to all pleadings and proceedings under this Act; and any Court or liquidator before whom such proceedings are being carried on shall have full power and authority to apply the appropriate rules as to amendments to the proceedings so pending before him; and no pleading or proceeding shall be void by reason of any irregularity or default which can or may be amended or disregarded under the rules and practice of the Court. 41 V. c. 5, s. 34.

Amendments.

Language of
proceedings,
etc.

35. In every petition, application, motion, or other pleading or proceeding under this Act, the parties may state the facts upon which they rely, in plain and concise language; and to the interpretation thereof, the rules of construction applicable to such language in the ordinary transactions of life shall apply. 41 V. c. 5, s. 35.

Books, etc., to
be *prima facie*
evidence.

36. All books, accounts, and documents of the company and of the liquidator, shall, as between the contributories of the company, be *prima facie* evidence of the truth of all matters purporting to be therein recorded. 41 V. c. 5, s. 36.

37. All rules, writs of subpoena, orders and warrants issued by any Court in any matter or proceeding under this Act, may be validly served in any part of Ontario upon the party affected or to be affected thereby, and the service of them may be validly made in such manner as is now prescribed for similar services, and the person charged with such service shall make his return thereof under oath. 41 V. c. 5, s. 37.

Service of subpoenas, etc.

38. Except when otherwise provided, four clear juridical days' notice of any petition, motion, order or rule shall be sufficient; and service of such notice shall be made in such manner as a similar service in an action. 41 V. c. 5, s. 38.

Length of notice of proceedings.
Service of notice.

39.—(1) Any affidavit, affirmation or declaration required to be sworn or made under the provisions or for the purposes of this Act, may be sworn or made in Ontario, before the liquidator, or before any liquidator, Judge, notary public, commissioner for taking affidavits, or Justice of the Peace; and out of Ontario, before any Judge of a Court of Record, any commissioner for taking affidavits to be used in any Court in Canada, any notary public, the chief municipal officer for any town or city, any British consul or vice-consul, or any person authorized by or under any Statute of the Dominion or of this Province to take affidavits.

Affidavits, before whom sworn.

(2) All Courts, Judges, Justices, commissioners and persons acting judicially, shall take judicial notice of the seal, or stamp or signature (as the case may be) of such Court, Judge, notary public, commissioner, justice, chief municipal officer, consul, vice-consul, liquidator or other person, attached, appended or subscribed to such affidavit, affirmation or declaration, or to any other document to be used for the purposes of this Act. 41 V. c. 5, s. 39.

Courts, etc., to take judicial notice of seals, signatures, etc.

DISSOLUTION OF COMPANY.

40.—(1) As soon as the affairs of the company are fully wound up, the liquidators shall make up an account shewing the manner in which the winding up has been conducted, and the property of the company disposed of; and thereupon they shall call a general meeting of the company for the purpose of having the account laid before them, and hearing any explanation that may be given by the liquidators; the meeting shall be called by advertisement, specifying the time, place and object of such meeting; and the advertisement shall be published one month at least previously thereto.

Account of winding up to be made by liquidator to a general meeting.

(2) The liquidator shall make a return to the Provincial Secretary of such meeting having been held, and of the date at which the same was held; which return shall be filed in the office of the Provincial Secretary; and on the expiration of three months from the date of the filing of such return, the company shall be deemed to be dissolved. 41 V. c. 5, s. 40.

Return of holding of meeting to be sent to Provincial Secretary.
Dissolution of company.

Order for dissolution. Report to Provincial Secretary.

41. Or whenever the affairs of the company have been completely wound up, the Court may make an order that the company be dissolved from the date of such order, and the company shall be dissolved accordingly : which order shall be reported by the liquidator to the Provincial Secretary. 41 V. c. 5, s. 41.

Penalty on default in reporting by liquidator or in making return.

42. If the liquidator makes default in transmitting to the Provincial Secretary the return mentioned in section 40, or in reporting the order (if any) declaring the company dissolved, he shall be liable to a penalty not exceeding \$20 for every day during which he is in default. 41 V. c. 5, s. 42.

Disposition of unclaimed dividends.

43. All dividends deposited in a bank and remaining unclaimed at the time of the dissolution of the company, shall be left for three years in the bank where they are deposited, and if still unclaimed, shall then be paid over by such bank, with interest accrued thereon, to the Treasurer of Ontario, and, if afterwards duly claimed, shall be paid over to the persons entitled thereto. 41 V. c. 5, s. 43.

Deposit by liquidator after dissolution of moneys with sworn statement.

44.—(1) Every liquidator shall, within thirty days after the date of the dissolution of the company, deposit in the bank appointed or named as hereinbefore provided for, any other money belonging to the estate then in his hands not required for any other purpose authorized by this Act, with a sworn statement and account of such money, and that the same is all he has in his hands ; and he shall be subject to a penalty of not exceeding \$10 for every day on which he neglects or delays such payment ; and he shall be a debtor to Her Majesty for such money and may be compelled as such to account for and pay over the same.

Money to remain on deposit for three years.

(2) The money so deposited shall be left for three years in the bank, and shall be then paid over, with interest, to the Treasurer of the Province, and if afterwards claimed shall be paid over, to the person entitled thereto.

Disposal of books, etc., after winding up.

(3) Where a company has been wound up under this Act and is about to be dissolved, the books, accounts and documents of the company and of the liquidators may be disposed of in such a way as the company by an extraordinary resolution directs.

After five years responsibility as to custody of books, etc., to cease.

(4) After the lapse of five years from the date of such dissolution no responsibility shall rest on the company or the liquidators, or any one to whom the custody of such books, accounts and documents has been committed, by reason that the same or any of them are not forthcoming to any party claiming to be interested therein. 41 V. c. 5, s. 44.

RULES TO CARRY OUT ACT.

45.—(1) The Board of County Judges from time to time shall make and frame and settle the forms, rules and regulations to be followed and observed in proceedings under this Act, and shall make rules as to the costs, fees and charges which shall or may be had, taken or paid in all such cases by or to solicitors or counsel, and by or to officers of Courts, whether for the officers or for the Crown, and by or to sheriffs, or other persons whom it may be necessary to provide for, or for any service performed or work done under this Act.

Board of county judges to make rules and forms as to proceedings and costs, etc.

(2) The Board of County Judges or any three of them, shall under their hands certify to the Chief Justice of the Court of Appeal, all rules and forms made under this Act, and the Judges of the said Court (of whom the said Chief Justice shall be one) may approve of, disallow, or amend any such rules or forms; and the rules and forms so approved of (with or without amendment, as the case may be) shall have the same force and effect as if they had been made and included in this Act.

Allowance or disallowance by court of appeal.

(3) Until such forms, rules and regulations are so approved and subject to any which shall be approved, the practice under this Act shall in cases not hereinbefore provided for, be the same (as nearly as may be), as under the Insolvent Acts for the time being in force in this Province. 41 V. c. 5, s. 45.

Practice till allowance of rules, etc.

46. The following sections of this Act shall apply to every company whose incorporation is under the authority of the Legislature of Ontario, where the shareholders or members of the company are entitled to the profits of the business of such company. 45 V. c. 17, s. 6.

Application of following sections.

47. Where a company has passed a special resolution authorizing any of the acts hereinafter allowed, the directors and officers may act in accordance with the terms of such resolution, subject to the following provisions of this Act. 45 V. c. 17, s. 8.

Authority given by special resolution.

48.—(1) The company may by such resolution direct that proceedings be taken to distribute the proceeds of all the assets of the company amongst the shareholders after payment of the debts of the company,

Resolution for distribution of assets or reduction of capital.

(2) Or may, by such resolution, direct that proceedings be taken to reduce the capital:

(a) Either by paying off the shares of such persons as may elect to be paid off at a rate fixed by the resolution, or to be determined in accordance with a plan therein specified;

(b) Or by paying off a certain fixed proportion of all the shares. 45 V. c. 17, s. 9.

(3) This section shall not apply to a company the capital of which is not divided into shares. 45 V. c. 17, s. 16.

Notice of
resolution.

49.—(1) The company shall thereupon give notice (Form A) of the resolution in the *Ontario Gazette*, and in some newspaper published in the city of Toronto, and in some other newspaper published where the chief place of business of the company in Ontario is situate, if any newspaper is published in such place.

(2) The notice shall also state that after some day to be therein named, and which shall not be earlier than three months from the first publication of the notice in the *Gazette*, the company will act upon the resolution.

(3) The notice shall also call upon all creditors of the company to file their claims against the company forthwith, whether such claims are or are not then due.

(4) Where the company has no place of business in Ontario, or its chief place of business is in Toronto, it will be sufficient if the notice is published in the *Gazette* and in one Toronto newspaper.

(5) The notice shall be published in the *Gazette* and in each of the said newspapers (where publication in more than one is required) at least six times during the said period of three months, and in computing such six times no two publications which occur in the same week shall be counted. 45 V. c. 17, s. 10.

When reso-
lution may be
carried into
effect.

50. Upon the arrival of the day appointed, or so soon thereafter as conveniently may be, the officers of the company may act in accordance with the terms of the resolution: provided (1) either that the company has no creditors, and a statement (Form B) upon the oath or solemn affirmation of the chief executive officer and of the treasurer of the company stating their belief of this fact, is filed with the clerk of the County or District Court of the county or district where the chief office of the company is situated; (2) or the consent of the company's creditors to the resolution being acted upon has been procured in writing, and a statement under oath or solemn affirmation of the said officers, containing the particulars set forth in form C, is filed with the clerk. 45 V. c. 17, s. 11.

Liability of
officers for
payments
improperly
made under
resolution.

51. No officer of such company shall make or authorize any payment by virtue of such resolution until one or other of the said statements has been filed as aforesaid, or without the consent of every creditor of the company, so long as to his knowledge any debt, whether the same is due or not, or any accrued liability of the company, remains unsatisfied, and any officer who violates the provisions of this section shall, besides being subject to such criminal punishment as is authorized for his offence, be liable personally for the amount of such unsatisfied claim or accrued liability to the creditor or other person entitled to claim from the company. 45 V. c. 17, s. 13.

52. Every shareholder receiving moneys under such resolution, shall, to the extent of the moneys so received, remain liable for any debts or liabilities of the company then in fact existing, and upon the winding up of the company by judicial process, every such person, his executors or administrators, may be required to contribute to that extent towards the payment of such debts or liabilities after the other assets of the company have been exhausted; but no executor or administrator shall be held so liable unless at the time he receives notice of the assessment he has in his hands assets applicable thereto or subsequently receives such assets. 45 V. c. 17, s. 14.

Liability of shareholders for moneys received under resolution.

53. No insurance or guarantee company, or other company carrying on business of a like nature, shall pay off any part of its capital stock under this Act until every policy, and every instrument having the effect of a policy, given by the company has expired, or been terminated, and, in the case of such a company, this fact shall be stated in the statement (Form B or C) filed as aforesaid. 45 V. c. 17, s. 15.

Restriction on insurance companies etc.

54. Where the capital of a company has become impaired, and the shareholders pass a special resolution to reduce the par value of the shares of the company, the shares shall thereupon be reduced in accordance with the terms of the resolution, provided that the resolution shall not in any wise affect the amount still remaining payable upon the shares, but the same amount shall, except as to a double or other additional liability, continue to be payable in respect of every share as if such resolution had not been passed; and in case by virtue of the charter or Act of incorporation of the company or of any general or other Act affecting the same, a double or other additional liability is cast upon the shareholders, the same proportionate liability shall continue, that is to say, if the liability was a double liability, the shareholders shall, as to new creditors, be liable for double the amount of the stock at its reduced value, and in like manner for any other proportion, but in respect of persons who are creditors at the time of the reduction, the liability of the shareholders shall continue as if such reduction had not taken place. 45 V. c. 17, s. 17.

Resolution to reduce par value of shares not to affect amount payable on such shares.

55. Where a reduction is had under the preceding section, a notice thereof (Form D) shall be published at least once a week for six weeks in the manner hereinbefore provided in section 49. 45 V. c. 17, s. 18.

Notice of reduction of par value of shares.

56. Where a company, acting under the provisions of this Act, has reduced its capital, every advertisement, circular or other document thereafter issued by the company, or any of its officers, containing a statement of the capital of the company shall state such capital at the amount to which it has been reduced. 45 V. c. 17, s. 19.

Where capital reduced advertisement, circular, or other document containing statement of capital shall state same as reduced.

SCHEDULE.

FORM A.

[Section 49.]

Notice is hereby given that the [insert name of Company] has, by a special resolution passed by the shareholders of the said company, resolved to [set out the substance of the resolution].

The company will act upon the said resolution upon the day of next.

All creditors of the company are hereby required to file their claims against the company forthwith, whether or not such claims are now due.

A. B.

Secretary.

Date &c.

45 V. c. 17, Form A.

FORM B.

[Sections 50 and 53, First Method.]

I, A. B., of the in the County of
make oath and say [or solemnly affirm, as the case may require],

1. I am the [here insert title of office] of the [name of company,] and I am the Chief Executive Officer of the said company, and, as such officer, have the supervision and management of the business of the said company.

2. I verily believe the said company is not indebted to any person or persons, or to any company, association or corporation whatsoever, and I verily believe that no person, company, association or corporation has any right of action whatever against the said [name of company].

[In the case of insurance or guarantee companies, or other company carrying on business of a like nature, the following paragraph is to be added:]

3. Every policy, and every instrument having the effect of a policy given by the said company has expired or been terminated.

Sworn, &c.

N. B.—The statement by the Treasurer of the company is to be identical with the above, except as to the paragraph setting forth the office held.

45 V. c. 17, Form B.

FORM C.

[Sections 50 and 53, Second Method].

I, *C. D.*, of the _____ in the County of _____
make oath and say [or solemnly affirm, *as the case may require*],

1. I am the [*here insert title of office*] of the [*name of company*], and I am the Chief Executive Officer of the said company, and, as such officer, have the management and supervision of the business of the said company.

2. I verily believe that the said company is not indebted to any person or persons, or to any company, association or corporation whatsoever, except those whose names appear in the schedule which is hereto annexed, and every such person, company and association has consented, in writing, to the following resolution being acted upon, that is to say [*here set out the resolution*].

3. I verily believe that no person, company, association or corporation, except such as are named in the said schedule, has any right of action whatever against the said company.

[*In the case of insurance or guarantee companies, or other company carrying on business of a like nature, the following paragraph is to be added:*]

4. Every policy, and every instrument having the effect of a policy, given by the said company, has expired or been terminated.

Sworn, &c.

N. B.—The statement by the Treasurer of the company is to be identical with the above, except as to the paragraph setting forth the office held.

45 V. c. 17, *Form C.*

FORM D.

[Section 55.]

Notice is hereby given that the [*name of company*], has by a special resolution passed by the shareholders of the said company, reduced the capital of the company from \$ _____ to \$ _____, and has reduced the par value of each share of the said company from \$ _____ to \$ _____.

A. B.,

Secretary.

Date &c.

45 V. c. 17, *Form D.*

SECTION XII.

MUNICIPAL MATTERS.

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 " 185.—Municipal Institutions in Algoma, Muskoka, Parry Sound,
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2. *Miscellaneous Municipal Matters.*

- CHAP. 186.—Registration of Debentures, p. 2031.
 " 187.—Calling and Holding Public Meetings, p. 2037.
 " 188.—Exemption of Firemen from certain duties, p. 2042.
 " 189.—Free Libraries Act, p. 2044.
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3. *Assessment of Property.*

- CHAP. 193.—The Assessment Act, p. 2083.

4. *Sale of Intoxicating Liquors.*

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5. *Highways.*

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1. MUNICIPAL INSTITUTIONS GENERALLY.

CHAP. 184.—Municipal Institutions, p. 1756.

“ 185.—Municipal Institutions in Districts, p. 2020.

CHAPTER 184.

An Act respecting Municipal Institutions.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PRELIMINARY.

1. This Act may be cited as "*The Municipal Act.*" 46 V. Short title.
c. 18, s. 1.

2. Where the words following occur in this Act, or in the Interpretation
schedule thereto, they shall be construed in the manner herein- of words.
after mentioned, unless a contrary intention appears :

1. "Municipality," shall mean any locality the inhabitants "Municipality."
of which are incorporated or are continued, or become
so under this Act;
2. "Local Municipality," shall mean a city, town, town- "Local Municipality."
ship, or incorporated village ;
3. "Council," shall mean the municipal council or provi- "Council."
sional municipal council, as the case may be ;
4. "County," shall mean county, union of counties, or "County."
united counties, or provisional county, as the case may
be ;
5. "Township," shall mean township, union of townships "Township."
or united townships, as the case may be ;
6. "County Town," shall mean the city, town, or village "County
in which the assizes for the county are held ; Town."
7. "Land," "Lands," "Real Estate," "Real Property," shall, "Land."
respectively, include lands, tenements and heredita- "Real estate."
ments, and all rights thereto and interests therein ; "Real pro-
perty."
8. "Highway," "Road," or "Bridge," shall mean a public "Highway."
highway, road, or bridge, respectively ; "Road."
"Bridge."
9. "Electors," shall mean the persons entitled for the time "Electors."
being to vote at any municipal election, or in respect of
any by-law, in the municipality, ward, polling sub-
division, or police village, as the case may be ;
10. "Reeve," shall include the deputy-reeve or deputy- "Reeve."
reeves, where there is a deputy-reeve for the municipi-
pality, except in so far as respects the office of a Justice
of the Peace ;
11. The words "next day" shall not apply to, or include "Next day."
Sunday or statutory holidays. 46 V. c. 18, s. 2.

PART I.

MUNICIPAL ORGANIZATION.

TITLE I.—INCORPORATION.

TITLE II.—NEW CORPORATIONS.

TITLE I.—INCORPORATION.—*Secs. 3-8.*

Existing
municipal
corporations
continued.

3. The inhabitants of every county, city, town, village, township, union of counties, and union of townships incorporated at the time this Act takes effect, shall continue to be a body corporate, with the municipal boundaries of every such corporation respectively then established. 46 V. c. 18, s. 3.

Heads, offi-
cers, by-laws,
contracts, etc.
continued.

4. The head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of every municipal corporation, when this Act takes effect, shall be deemed the head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of such corporation, as continued under and subject to the provisions of this Act. 46 V. c. 18, s. 4.

Names of
municipal
corporations.

5. The name of every body corporate (not being a provisional corporation, continued, or erected under this Act, shall be "*The Corporation of the County, City, Town, Village Township, or United Counties, or United Townships*, (as the case may be), of " (naming the same). 46 V. c. 18, s. 5.

Names of
provisional
corporations.

6. The inhabitants of every junior county, upon a provisional council being or having been appointed for the county, shall be a body corporate under the name of "*The Provisional Corporation of the County of* " (naming it). 46 V. c. 18, s. 6.

Inhabitants of
counties,
townships,
etc., and of
cities, towns,
etc., to be a
body corpo-
rate.

7. The inhabitants of every county, or union of counties erected by proclamation into an independent county or union of counties, and of every township or union of townships, erected into an independent township or union of townships, and of every locality erected into a city, town, or incorporated village, and of every county or township separated from any incorporated union of counties or townships, and of every county or township, or of the counties or townships, if more than one, remaining of the union after the separation, being so

erected or separated after this Act takes effect, shall be a body corporate under this Act. 46 V. c. 18. s. 7.

8. The powers of every body corporate under this Act shall be exercised by the council thereof. 46 V. c. 18, s. 8.

Corporate powers to be exercised by council.

TITLE II.—NEW CORPORATIONS.

DIV. I.—VILLAGES.

DIV. II.—TOWNS AND CITIES.

DIV. III.—TOWNSHIPS.

DIV. IV.—COUNTIES.

DIV. V.—PROVISIONAL COUNTY CORPORATIONS.

DIV. VI.—MATTERS CONSEQUENT UPON THE FORMATION OF NEW CORPORATIONS.

DIVISION I.—VILLAGES.

When a Village may be incorporated. Sec. 9.

Restrictions as to area of Towns and Villages. Sec. 10.

Arrangements with respect to assets and debts of Townships. Sec. 11.

Case of Village partly in two Counties provided for. Sec. 12.

Arrangements as to debts when Village transferred from one County to another. Sec. 13.

Additions to area. Sec. 14.

Reductions of area. Sec. 15.

Annexation of incorporated Village to adjoining Municipality. Sec. 16.

Setting apart unincorporated Village. Sec. 17 (1).

Powers of Township in relation thereto. Sec. 17 (2-4).

9. When the census returns of an unincorporated village, with its immediate neighbourhood, taken under the direction of the council or councils of the county or counties in which the village and its neighbourhood are situate, shew that the same contain over 750 inhabitants, and when the residences of such inhabitants are sufficiently near to form an incorporated village, then, on petition by not less than 100 resident freeholders and householders of the village and neighbourhood, of whom not fewer than one-half shall be freeholders, the council or councils of the county or counties in which the village and neighbourhood are situate shall, by by-law, erect the village and neighbourhood into an incorporated village, apart from the township or townships in which the same are situate, by a name, and with boundaries to be respectively declared in the by-law, and shall name in the by-law the place for holding the first election, and the returning officer who is to hold the same. 46 V. c. 18, s. 9.

When population 750, county council may incorporate as a village, and name the place and returning officer for first election.

Area of town or village limited.

10.—(1) No town or village incorporated after the passing of this Act, the population of which does not exceed 1000 souls, shall extend over or occupy within the limits of the incorporation an area of more than 500 acres of land.

Regulations as to enlargement of area.

(2) No town or village already or hereafter incorporated, and containing a population exceeding 1000 souls, shall make any further addition to its limits or area, except in the proportion of not more than 200 acres for each additional 1000 souls, subsequent to the first 1000.

Existing towns or villages, area of which exceeds proportionate limit, not to be enlarged.

(3) In the case of towns or villages now incorporated, whenever the area thereof exceeds the proportionate limit above prescribed, to wit, in all cases where the area exceeds the proportion of 500 acres for the first 1000 souls, and 200 acres for every subsequent additional 1000, then in such cases the said towns or villages shall not be permitted to make any further addition to their limits until their population has reached such a proportion to their present area.

How population and area may be reckoned.

(4) But in all cases, the persons then actually inhabiting the land about to be included within the limits of a town or village, may, for the purpose of such extension, be held and reckoned as among the inhabitants of such town or village; and the land occupied by streets or public squares may be excluded in estimating the area of such town or village. 46 V. c. 18, s. 10.

Disposition of property and payment of debts when incorporated village is separated from township.

11. In cases where an incorporated village is separated from the township or townships in which it is situate, the provisions of this Act for the disposition of the property, and payment of debts, upon the dissolution of a union of townships, shall be applicable as if the localities separated had been two townships, and the councils of such village and township or townships shall respectively perform the like duties as by such provisions devolve upon the councils of separated townships, the said village being considered as the junior township. 46 V. c. 18, s. 11.

When the village lies within two or more counties, it shall be annexed to one of them by the county councils or, in case of difference, by the Lieutenant-Governor.

12.—(1) When the newly incorporated village lies within two or more counties, the councils of the counties shall, by by-law, annex the village to one of the counties; and if within six months after the petitions for the incorporation of the village are presented, the councils do not agree to which county the village shall be annexed, the wardens of the counties shall memorialize the Lieutenant-Governor in council, setting forth the grounds of difference between the councils; and thereupon the Lieutenant-Governor shall, by proclamation, annex the village to one of such counties.

In case of failure of councils to act, freeholders, etc., may petition Lieutenant-Governor.

(2) In case the wardens do not, within one month next after the expiration of the six months, memorialize the Lieutenant-Governor in Council as aforesaid, then 100 of the freeholders and householders on the census list may petition the Lieutenant-Governor.

nor in council to settle the matter, and thereupon the Lieutenant-Governor shall, by proclamation, annex the incorporated village to one of the counties. 46 V. c. 18, s. 12.

13.—(1) In case a locality is, under section 12 of this Act, detached from one county and annexed to another, the council of the county to which the locality is annexed and the council of the village shall agree with the council of the county from which the locality is detached, as to the amount (if any) of the county liabilities which should be borne by the locality so detached and the times of payment thereof.

Liability of territory detached from one county and annexed to another.

(2) If the councils do not agree within three months of the separation in respect of the said matter, the same shall be determined by arbitration under this Act; and the amount (if any) so agreed or determined shall become a debt of the county to which the locality is attached, and such locality shall, until the said amount has been paid by the proceeds of such rates, continue subject to all rates which had been, prior to the separation, imposed for the payment of county debts or for the payment of bonuses or aids granted by sections of the county to railways, or for the payment of local improvement debts.

(3) The council of the county or of the village, as the case may require, shall pass such by-laws and take such proceedings as may be necessary for levying the said rates; and shall, unless such council has previously paid the amount to the municipality so liable, pay over the same when collected to the municipality which is liable for the debt on account of which the rates were imposed.

(4) Where the councils do not agree as aforesaid, the Lieutenant-Governor in Council may, before proclamation has been made, and upon the petition of a majority of the resident freeholders and householders of the village, and with the assent of at least two of the councils of the townships in which the village is situate, annul the incorporation of the village and restore the same to its former position as an unincorporated village, and the same shall thereupon be reinstated to its former position to the same extent as if no proceedings for incorporation had ever been taken. 46 V. c. 18, s. 13.

14. In case the council of an incorporated village petitions the Lieutenant Governor to add to the boundaries thereof, the Lieutenant-Governor may, subject to the provisions of section 10 of this Act, by proclamation, add to the village any part of the localities adjacent, which, from the proximity of the streets or buildings therein, or the probable future exigencies of the village, it may seem desirable to add thereto; and in case the territory so added belonged to another county, it shall thenceforward, for all purposes, cease to belong to such other county, and shall belong to the same county as the rest of the village. 46 V. c. 18, s. 14.

Addition to villages by Lieutenant-Governor.

Reducing the area of villages or towns.

15.—(1) The county council of any county or union of counties, upon the application, by petition, of the corporation of any incorporated village or town not withdrawn from the county, and with a population, as ascertained by the last municipal enumeration, not exceeding 2000, whose outstanding obligations and debts do not exceed double the net amount of the yearly rate then last levied and collected therein, may, in their discretion, by by-law in that behalf, reduce the area of such village or town by excluding from it lands used wholly for farming purposes.

New limits to be defined.

(2) The by-law shall define, by metes and bounds, the new limits intended for such incorporated village or town.

Population not to be reduced below 750.

(3) No incorporated village or town shall, by such change of boundaries, be reduced in population below the number of 750 souls.

Municipal rights of village or town not to be abridged.

(4) The municipal privileges and rights of the village or town shall not thereby be diminished, or otherwise interfered with as respects the remaining area thereof. 46 V. c. 18, s. 15.

An incorporated village may become unincorporated and may be annexed to an adjoining municipality.

16.—(1) In case the council of an incorporated village pass a resolution, by a two-thirds vote of the members thereof, declaring that it is expedient that the village should become unincorporated, and the resolution is approved by the electors in the manner required for by-laws creating debts; and in case the council of an adjoining municipality, or of two or more of the adjoining municipalities, pass a resolution or resolutions approving of the territory comprised in the village being annexed to such municipality or municipalities, the Lieutenant-Governor in Council may issue a proclamation annulling the incorporation of the village, and annexing the territory included therein to such municipality or municipalities.

(2) If the said territory is annexed to one municipality, such municipality shall be liable for the debts of the village, and shall be entitled to its assets, but if the territory is annexed to two or more municipalities the councils of such municipalities shall, before the proclamation issues, agree between themselves, or determine by arbitration, as to the proportion of the debt of the village to be borne by them respectively, and as to the assets, or proportion of the assets, of the said village which the municipalities shall respectively receive, and the municipalities shall respectively be liable for the proportion of indebtedness as determined by the agreement or award.

(3) If the award or agreement instead of stating the proportion of the debt to be borne as aforesaid, states the shares so to be borne in sums of money, then the fraction which is formed by taking the sum named as the amount to be borne by any municipality as the numerator, and the aggregate of the sums named as the amounts to be borne by the said municipalities as the denominator, shall be the proportion of the entire debt

to be borne by such municipality, whether or not the debt is accurately stated in the agreement or award.

(4) It may be part of the arrangement between the village and the municipality or municipalities that the village shall, for a time, be charged with a special rate, or that it shall be relieved of any rate, or part of a rate, imposed upon the rest of the municipality with which the village, or part of it, is to be united.

(5) In case the municipalities proposing to receive parts of the territory comprised in the village are in different counties, the provisions of this section may be acted upon with the assent (declared by resolution) of the councils, and unless such councils have previously agreed, or shall within three months of the issue of a proclamation under this section agree, as to the proportions in which the share of the county debt, which is referable to such village, shall be borne by the several counties, the same shall be determined by arbitration under this Act.

(6) Where part of the village is to be attached to a city or town separated from the county for municipal purposes, such separated city or town shall be deemed a county within the meaning of the next preceding sub-section. 46 V. c. 18, s. 16.

17.—(1) When any unincorporated village or settlement and its immediate neighbourhood lie wholly within the limits of a township, and when the residences of its inhabitants are sufficiently near to each other, in the opinion of the council of such township municipality, to render the same desirable, the council of the township in which the same are situate may, on the petition of a majority of the ratepayers within the area to be set off, one-half of whom shall be resident freeholders, by by-law, set the unincorporated village or settlement and neighbourhood apart from the remaining portion of the township in which the same are situate, and with boundaries to be respectively defined and declared in the by-law, for the purposes hereinafter mentioned.

Setting apart unincorporated village.

(2) All the powers given to the council of every township by this Act shall remain in force as respects the portion of the township so set apart, and are hereby continued and extended to the council of every township wherein the portion thereof is so set apart, except so far as the same are or may be inconsistent with the enactments of this section.

Jurisdiction of township continued.

(3) In addition to the powers given to the council of every township by this Act, the council of every township wherein a portion has been set apart under the provisions of this Act, shall have all the rights and powers conferred on the councils of cities, towns and incorporated villages by this Act, as respects

Additional powers of township councils.

such portions as shall be so set apart, and may pass by-laws which shall apply exclusively and only to that portion of the township to set apart for the following purposes :

(a) To compel all persons (resident or non-resident) liable to statute labour within such prescribed limits, to compound for such labour at any sum not exceeding \$1 for each day's labour, and that such sum shall be paid in commutation of such statute labour, and for enforcing the payment of such commutation in money in lieu of such statute labour.

(b) For all the purposes specified in sections 612 to 630, both inclusive, of this Act. 48 V. c. 39, s. 39 (1-3).

(4) Whenever in a township two or more portions thereof shall be so set apart as aforesaid, which shall adjoin, or lie contiguous to each other, the council of the township shall have power to pass a by-law uniting such separate divisions, so previously set apart, into one division, whereupon the council shall have all the powers over, and relating to the united divisions, as if the whole area embraced within the limits of the several divisions so united had originally been set apart under the provisions of this Act in one parcel. 49 V. c. 37, s. 36.

DIVISION II.—TOWNS AND CITIES.

Towns and Cities, how formed, and limits. Secs. 18-20.

Restrictions as to area of Towns. Sec. 10.

Wards, and additions to area. Secs. 21-23.

Annexation of Incorporated Villages or Towns to adjacent Villages, Towns or Cities. Sec. 24.

Towns, how withdrawn from and re-united to jurisdiction of County. Secs. 25, 26.

Census of towns and villages.

18. A census of any town or incorporated village may at any time be taken under the authority of a by-law of the council thereof. 46 V. c. 18, s. 17.

Town containing over 15,000 inhabitants may be erected into a city; and village containing over 2,000 into a town.

19. In case it appears by the census return taken under such by-law, or under any statute, that a town contains over 15,000 inhabitants, the town may be erected into a city; and in case it appears by the return that an incorporated village contains over 2,000 inhabitants, the village may be erected into a town: but the change shall be made by means of and subject to the following proceedings and conditions:

Notice to be given.

1. The council of the town or village shall, for three months after the census return, insert a notice in some newspaper published in the town or village, or, if no newspaper is published therein, then the council shall, for three months, post up a notice in four of the most public places in the town or village, and insert the same in a newspaper published in the

county town of the county in which the town or village is situate, or if there is no such newspaper, then in the newspaper published nearest to the said town or village, setting forth in the notice the intention of the council to apply for the erection of the town into a city, or of the village into a town, and stating the limits intended to be included therein;

2. The council of the town or village shall cause the census returns to be certified to the Lieutenant-Governor in council, under the signature of the head of the corporation, and under the corporate seal, and shall also cause the publication aforesaid to be proved to the Lieutenant-Governor in Council; then, in the case of a village, the Lieutenant-Governor may, by proclamation, erect the village into a town by a name to be given thereto in the proclamation;

Census returns to be certified and publication of notice proved.

Village may be made a town by proclamation.

3. In case the application is for the erection of a town into a city, the town shall also pay to the county of which it forms part, such portion, if any, of the debts of the county as may be just, or the council of the town shall agree with the council of the county as to the amount to be so paid, and the periods of payment, with interest from the time of the erection of the new city, or in case of disagreement the same shall be determined by arbitration under this Act; and upon the council proving to the Lieutenant-Governor in Council the payment, agreement or arbitration, then the Lieutenant-Governor may, by proclamation, erect the town into a city, by a name to be given thereto in the proclamation. 46 V. c. 18, s. 18.

Existing debts to be adjusted in case of a town to be made a city.

Town may be made a city by proclamation.

20. The Lieutenant-Governor may include in the new town or city such portions of any township or townships adjacent thereto, and within the limits mentioned in the aforesaid notice, as, from the proximity of streets or buildings, or the probable future exigencies of the new town or city, the Lieutenant-Governor may consider desirable to attach thereto. 46 V. c. 18, s. 19.

Limits of new town or city.

21. The Lieutenant-Governor may divide the new town or city into wards, with appropriate names and boundaries, but no town shall have less than three wards, and no ward in such town or city less than 500 inhabitants. 46 V. c. 18, s. 20.

Wards.

22. In case two-thirds of the members of the council of a city or town do, in council, before the 15th day of July in any year, pass a resolution affirming the expediency of a new division into wards being made of the city or town, or of a part of the same, either within the existing limits or with the addition of any part of the localities adjacent, which, from the proximity of streets or buildings therein, or the probable future exigencies of the city or town, it may seem desirable to add thereto respectively, or the desirability of any addition being made to the limits of the city or town, the Lieutenant-Governor may, by proclamation, divide the city or town or such part thereof into wards, as may seem expedient, and may

New division of wards in cities and towns.

Extension of city or town.

add to the city or town any part of the adjacent township or townships which the Lieutenant-Governor in Council, on the grounds aforesaid, considers it desirable to attach thereto, on such terms and conditions, as to taxation or otherwise, as the Lieutenant-Governor in Council sees fit and the council of the city or town may consent to. 46 V. c. 18, s. 21.

Where land attached to town, etc., belonged to another county.

23. In case a tract of land so attached to the town or city belonged to another county, the same shall thenceforward, for all purposes, cease to belong to such other county, and shall belong to the same county as the rest of the town or city. 46 V. c. 18, s. 22.

Annexation of incorporated villages or towns to adjacent villages, towns or cities by proclamation.

24.—(1) In case the council of any incorporated village or town pass a resolution affirming the expediency of the annexation of such village or town to an adjacent village, town or city, and the municipal council of such last mentioned village, town or city, pass a similar resolution, and in case the electors of the first-mentioned village or town adopt a by-law, to be submitted to them, approving of such annexation, the Lieutenant-Governor in Council may, by proclamation, annex one municipality to the other, upon such terms as may have been agreed upon by the councils, or as may have been determined by arbitration, in case the councils resolve to have the terms settled by arbitration.

(2) Subject to any variations made by the terms agreed upon or settled in manner aforesaid, the municipality annexed to the other shall be subject to the provisions of this Act having regard to the annexation of territory to a village, town or city.

(3) In case the population admits thereof, the Lieutenant-Governor may, by the same proclamation, erect the village or town to which the addition is made, into a town or city, by a name to be given thereto in the proclamation, and may divide or re-divide the city, town or village into wards. 46 V. c. 18, s. 23. *For time when incorporation or annexation takes effect, see s. 89.*

Town may be withdrawn from jurisdiction of county by by-law on certain conditions.

25. The council of any town may pass a by-law to withdraw the town from the jurisdiction of the council of the county within which the town is situated, upon obtaining the assent of the electors of the town to the by-law in manner provided by this Act, subject to the following provisions and conditions:

Amount to be paid by town to county to be settled by agreement or arbitration.

1. After the final passing of the by-law, the amount which the town is to pay to the county for the expenses of the administration of justice, the use of the gaol, and the erection and repairs of the registry office, and for providing books for the same, and for services for which the county is liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands, as well as for the then existing debt of the county, if not mutually agreed upon

shall be ascertained by arbitration under this Act; and the agreement or award shall distinguish the amount to be annually paid for the said expenses, and for the then debt of the county, and the number of years the payments for the debt are to be continued;

2. In adjusting their award, the arbitrators shall, among other things, take into consideration the amount previously paid by the town, or which the town is then liable to pay, for the construction of roads or bridges by the county without the limits of the town; and also what the county has paid, or is liable to pay, for the construction of roads or bridges within the town; and they shall also ascertain, and allow to the town, the value of its interest in all county property, except roads and bridges within the town;

Matters to be considered by arbitrators.

3. When the agreement or award has been made, a copy of the same, and of the by-law, duly verified by affidavit, shall be transmitted to the Lieutenant-Governor, who shall thereupon issue his proclamation, withdrawing the town from the jurisdiction of the council of the county;

Copy of agreement or award to be sent to the Lt. Gov. Proclamation.

4. After the proclamation has been issued, the offices of reeve and deputy reeve or deputy reeves of the town shall cease; and no by-law of the council of the county thereafter made shall have any force in the town, except so far as relates to the care of the court house and gaol, and other county property in the town; and the town shall not thereafter be liable to the county for, or be obliged to pay to the county, or into the county treasury any money for county debts or other purposes, except such sums as may be agreed upon or awarded as aforesaid;

Effect of such proclamation.

5. After the lapse of five years from the time of agreement or award, or such shorter time as may be stated in the agreement or award, a new agreement or a new award may be made, to ascertain the amount to be paid by the town to the county for the expenses of the administration of justice, the use of the gaol, erection and repairs of the registry office or offices, the providing books for the same, and for services for which the county is liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands;

New agreement or award after five years.

6. After the withdrawal of a town from the county all property theretofore owned by the county, except roads and bridges within the town, shall remain the property of the county. 46 V. c. 18, s. 25.

Property after withdrawal.

26.—(1) The council of a town which has withdrawn from a county, or union of counties, may, after the expiration of five years from the withdrawal, pass a by-law (to be assented to by the electors in manner provided for by this Act in respect of by-laws for creating debts) to re-unite with such county or union of counties.

Town may after five years from withdrawal pass by-law for re-union with county.

By-law to have no effect until ratified by council of county, etc.

(2) The by-law shall have no effect unless ratified and confirmed by the council of the county or union of counties, from which the said town had previously withdrawn, within six months after the passing of the by-law, and unless the terms and conditions which the town shall pay, perform, or be subject to, have been previously agreed upon or settled in manner following, that is to say:

Before by-law ratified, the amounts of the debts of town and county respectively shall be determined.

(3) Before the by-law is confirmed by the council of the county, the councils of the town and county shall determine by agreement the amounts of the debts of the town and county respectively which shall be paid or borne by the county after the re-union, or what amount shall be payable by a special rate to be imposed upon the ratepayers of the town, over and above all other county rates, and all other matters relating to property, assets, or advantages consequent upon the re-union, and as affecting the county or town respectively, and such other terms or conditions as appear just shall be settled by such agreement; and in default of such agreement being come to within three months after the passing of the by-law by the council of the town, the said matters shall be settled by arbitration, as provided by this Act. 46 V. c. 18, s. 26.

DIVISION III.—TOWNSHIPS.

Townships, how attached to other Municipalities. Sec. 27.
When Junior Township may become a Separate Corporation. Secs. 28, 29.

Arrangement of joint assets and debts. Sec. 30.

New Townships—Union of. Secs. 31, 32.

Seniority of Townships. Sec. 33.

Effect of dissolution of union of Counties on united Townships in different Counties. Sec. 34.

New township beyond limits of incorporated county may be attached to a county by proclamation.

27. In case a township is laid out by the Crown in territory forming no part of an incorporated county, the Lieutenant-Governor may, by proclamation, annex the township, or two or more of such townships lying adjacent to one another, to any adjacent incorporated county, and erect the same into an incorporated union of townships with some other township of such county. 46 V. c. 18, s. 27.

Junior township containing 100 freeholders, etc., may be separated from union.

28. When a junior township of an incorporated union of townships has 100 resident freeholders and householders on the assessment roll as last finally revised and passed, such township shall, upon the 1st day of January next after the passing of the proper by-law in that behalf by the county council, become separated from the union. 46 V. c. 18, s. 28.

29.—(1) In case a junior township has at least 50, but less than 100 resident freeholders and householders on the last revised assessment roll, and two-thirds of the resident freeholders and householders of the township petition the council of the county to separate the township from the union to which it belongs, and in case the council considers the township to be so situated, with reference to streams or other natural obstructions, that its inhabitants cannot conveniently be united with the inhabitants of an adjoining township for municipal purposes, the council may, by by-law, separate the same from the union; and the by-law shall name the returning officer who is to hold, and the place for holding, the first election under the same.

In what case? junior township containing 50 freeholders, etc., but less than 100, may be separated from union.

(2) In case two-thirds of the resident freeholders and householders of one or more junior townships petition the council of the county to be separated from the union to which they belong, and to be attached to some other adjoining municipality, and in case the council considers that the interest and convenience of the inhabitants of the township or townships would be promoted thereby, they may, by by-law, separate the township or townships from the union, and attach the same to some other adjoining municipality. 46 V. c. 18, s. 29.

and attached to an adjoining municipality.

30. After the dissolution of a union of townships, the following shall be the disposition of the property of the union :

Disposition of property upon dissolution of union.

1. The real property of the union situate in the junior township, shall become the property of the junior township ;

Real property.

2. The real property of the union situate in the remaining township or townships of the union shall be the property of the remaining township or townships ;

3. The two corporations shall be jointly interested in the other assets of the union, and the same shall be retained by the one, or shall be divided between both, or shall be otherwise disposed of, as they may agree ;

Other assets.

4. The one shall pay or allow to the other, in respect of the said disposition of the real and personal property of the union, and in respect to the debts of the union, such sum or sums of money as may be just ;

Arrangement as to property and debts.

5. In case the councils of the townships do not, within three months after the first meeting of the council of the junior township, agree as to the disposition of the personal property of the union, or as to the sum to be paid by the one to the other, or as to the times of payment thereof, the matters in dispute shall be settled by arbitration under this Act ;

How to be determined in case of disagreement.

6. The amount so agreed upon or settled shall bear interest from the day on which the union was dissolved : and shall be provided for by the council of the indebted township like other debts. 46 V. c. 18, s. 30.

Amount settled to bear interest.

New townships, etc., within the union of incorporated counties, to be united to adjacent townships, and how.

31. In case a township is laid out by the Crown in an incorporated county or union of counties, or in case there is any township therein not incorporated and not belonging to an incorporated union of townships, the council of the county or united counties shall, by by-law, unite such townships, for municipal purposes, to some adjacent incorporated township, or union of townships in the same county or union of counties. 46 V. c. 18, s. 31.

Townships not incorporated or united may be formed into unions.

32. In case of there being at any time in an incorporated county or union of counties two or more adjacent townships not incorporated, and not belonging to an incorporated union of townships, and in case such adjacent townships have together not less than 100 resident freeholders and householders within the same, the council of the county or union of counties may, by by-law, form such townships into an independent union of townships. 46 V. c. 18, s. 32.

Seniority of united townships, how regulated.

33. Every proclamation or by-law forming a union of townships shall designate the order of seniority of the townships so united; and the townships of the union shall be classed in the by-law according to the relative number of freeholders and householders on the last revised assessment roll, or if there be no such revised assessment roll for any of such townships, then the order of seniority shall be determined by the proclamation or by-law, as the Lieutenant-Governor or county council may think fit. 46 V. c. 18, s. 33.

Effect of dissolution of union of counties on united townships in different counties.

34. In case the united townships are in different counties the by-law shall cease to be in force whenever the union of the counties is dissolved. 46 V. c. 18, s. 34.

DIVISION IV.—COUNTIES.

Counties, how formed. Sec. 35.

Seniority of united Counties. Sec. 36.

Laws applicable to union of Counties. Sec. 37.

New counties how formed by proclamation, and annexed or united.

35. The Lieutenant-Governor may, by proclamation, form into a new county any new townships not within the limits of an incorporated county, and may include in the new county one or more unincorporated townships or other adjacent unorganized territory (defining the limits thereof) not being within an incorporated county, and may annex the new county to any adjacent incorporated county; or in case there is no adjacent incorporated county, or in case the Lieutenant-Governor in Council considers the new county, or any number of such new counties lying adjacent to one another, and not belonging to any incorporated union, so situated that the inhabitants cannot conveniently be united with the inhabitants

of an adjoining incorporated county for municipal purposes, the Lieutenant-Governor may, by the proclamation, erect the new county, or new adjacent counties, into an independent county or union of counties for the said purposes, and the proclamation shall name the new county or counties. 46 V. c. 18, s. 35.

36. In every union of counties, the county in which the county court house and gaol are situate shall be the senior county, and the other county or counties of the union shall be the junior county or counties thereof. 46 V. c. 18, s. 36.

37. During the union of counties, all laws applicable to counties (except as to representation in Parliament or the Legislative Assembly, and registration of titles) shall apply to the union as if the same formed but one county. 46 V. c. 18, s. 37.

DIVISION V.—PROVISIONAL COUNTY CORPORATIONS.

Provisional Corporations, formed by separation of Junior County. Sec. 38.

Provisional officers. Secs. 39, 40.

Property may be acquired on which to erect Gaol and Court House. Sec. 41.

Powers of Provisional Council not to interfere with united Corporation. Sec. 42.

Arrangement of joint assets and liabilities. Secs. 43-45.

Appointment of officials. Sec. 46.

Separation, when complete. Secs. 47, 48.

Effect of separation on judicial proceedings. Secs. 49-52.

38. Where the census returns, taken under a statute, or under the authority of a by-law of the council of any united counties, shew that the junior county of the union contains 17,000 inhabitants or more, then if a majority of the reeves and deputy-reeves of such county do, in the month of February, pass a resolution affirming the expediency of the county being separated from the union; and if, in the month of February in the following year, a majority of the reeves and deputy-reeves transmit to the Lieutenant-Governor in council a petition for the separation, and if the Lieutenant-Governor deems the circumstances of the junior county such as to call for a separate establishment of Courts and other county institutions, he may, by proclamation setting forth those facts, constitute the reeves and deputy-reeves in that county a provisional council, and in the proclamation appoint a time and place for the first meeting of the council, and therein name one of its members to preside at the meeting, and also therein determine the place for and the name of the county town. 46 V. c. 18, s. 38.

Seniority of united counties, how regulated.

Laws applicable to union of counties.

Separation of united counties.

Appointment by proclamation of provisional council in junior county.

First meeting thereof. County town.

Who to pre-
side.

39. The member so appointed shall preside in the council until a provisional warden has been elected by the council from among the members thereof. 46 V. c. 18, s. 39.

Appointment
of provisional
warden and
other officers.
Terms of
office.

40. Every provisional council shall from time to time, by by-law, appoint a provisional warden, a provisional treasurer and such other provisional officers for the county as the council deems necessary. The provisional warden shall hold office for the municipal year for which he is elected, and the treasurer and other officers so appointed shall hold office until removed by the council. 46 V. c. 18, s. 40.

Provisional
council may
acquire land,
and erect
thereon gaol
and court
house.

41. Every provisional council may acquire the necessary property at the county town of the junior county on which to erect a court house and gaol, and may erect a court house and gaol thereon, adapted to the wants of the county, and in conformity with any statutory or other rules and regulations respecting such buildings, and may pass by-laws for such purposes. 46 V. c. 18, s. 41.

Respective
powers of pro-
visional coun-
cil and council
of union.

42. The powers of a provisional council shall not interfere with the powers of the council of the union, and any money raised by the provisional council in the junior county shall be independent of the money raised therein by the council of the union. 46 V. c. 18, s. 42.

Agreement
upon dissolu-
tion as to joint
liabilities and
joint assets.

43. After a provisional council has procured the necessary property, and erected thereon the proper buildings for a court house and gaol, such council, and the council of the senior or remaining counties, may enter into an agreement for the settlement of their joint liabilities and the disposition of their joint assets (other than real estate), and for determining the balance or amount that may be due by the one county to the other, and the times of payment thereof; and in determining the balance the senior or remaining counties shall assume the debts of the union, and the junior county be charged with such part thereof as may be just; and the value of the real estate, which upon the separation, becomes the property of the senior or junior county respectively, and any improvement effected by the union which either county gets the exclusive benefit of, shall also be taken into account. 46 V. c. 18, s. 43.

Senior county
to assume
debts of union.

Junior county
to be charged
with just pro-
portion.

When provi-
sional council-
lers shall not
vote.

44. No member of the provisional council shall vote or take part in the council of the union on any question affecting such agreement, or the negotiation therefor. 46 V. c. 18, s. 44.

In case of
disagreement,
disputes to be
determined by
arbitration.

45. In case the councils, within one month after the period mentioned in section 43, are unable to determine by agreement the several matters hereinbefore mentioned with respect to their debts, assets and property, such matters shall be settled between them by arbitration under this Act, and the county found liable shall pay to the other county the balance of amount agreed or settled to be due by such county, and such

Payment of
amounts found
due.

amount shall bear interest at six per centum per annum from the day on which the union is dissolved, and shall be provided for, like other debts, by the council of the county liable therefor after separation. 46 V. c. 18, s. 45.

46. After the sum, if any, to be paid by the junior county to the senior or remaining county or counties has been paid or ascertained, by agreement or arbitration, a Judge may be appointed as provided by *The British North America Act, 1867*, and the Lieutenant-Governor or Lieutenant-Governor in Council, as the case may be, shall appoint a sheriff, one or more coroners, a clerk of the peace, a clerk of the County Court, a registrar, and at least twelve Justices of the Peace, and shall provide in the commission or commissions, that the appointments are to take effect on the day the counties become disunited. 46 V. c. 18, s. 46.

Appointment of Sheriff and other officials.

47. After such appointments are made the Lieutenant-Governor shall, by proclamation, separate the junior county from the senior or remaining county or counties, and shall declare such separation to take effect on the 1st day of January next after the end of three months from the date of the proclamation; and on that day the Courts and officers of the union (including Justices of the Peace) shall cease to have any jurisdiction in the junior county; and the real property of the corporation of the union situate in the junior county shall become the property of the corporation of the junior county, and the real property situate in the remaining county or united counties shall be the property of the corporation of the remaining county or united counties; and the other assets belonging to the corporation of the union, shall belong to and be the property of the senior or junior county or union of counties respectively, as agreed upon at the separation; and, if not otherwise disposed of by agreement or arbitration, they shall belong to and be the property of the senior county, or union of counties; and in the case of choses in action, they may be recovered in an action, or other proceeding, instituted or commenced in the name of the senior county or union of counties. 46 V. c. 18, s. 47.

Final separation of united counties by proclamation.

Property, how divided.

48. When a junior county is separated from a union of counties, the head and members of the provisional council of the junior county, and the officers, by-laws, contracts, property, assets and liabilities of the provisional corporation, shall be the head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of the new corporation. 46 V. c. 18, s. 48.

Officers and property, etc., continued.

49. The dissolution of a union of counties shall not prevent the sheriff of any senior county from proceeding upon and completing the execution or service within the junior county of any writ of mesne or final process in his hands at the time

Execution and service of process in hands of sheriff at time of separation.

of such separation, or of any renewal thereof, or of any subsequent or supplementary writ in the same cause; or, in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same, and the acts of all such sheriffs in that behalf shall be and be held and construed to be legal and valid in the same manner and to the same extent as if no separation had taken place, but no further. 46 V. c. 18, s. 49.

Change of place of trial in actions, etc. after separation.

50. If upon a dissolution of a union of counties, there is pending an action, or other civil proceeding in which the county town of the union has been named as the place of trial, the Court in which the action or proceeding is pending, or any Judge who has authority to make orders therein, may, by consent of parties, or on hearing the parties upon affidavit, order the place of trial to be changed, and all records and papers to be transmitted to the proper officers of the new county. 46 V. c. 18, s. 50.

If no order made, where proceedings to be carried on.

51. In case no such change is directed, all such actions and other civil proceedings shall be carried on and tried in the senior county. 46 V. c. 18, s. 51.

Place for holding courts in junior county

52. All Courts of the junior county required to be held at a place certain, shall be held in the county town of the junior county. 46 V. c. 18, s. 52.

DIVISION VI.—MATTERS CONSEQUENT UPON THE FORMATION OF NEW CORPORATIONS.

By-Laws to continue in force. Secs. 53, 54.

Debts and Liabilities how affected. Secs. 55-59.

Officials and their sureties, how affected. Secs. 60-63.

By-laws in force prior to formation of new corporation to continue in force until altered by council of new corporation.

53. In case a village is incorporated, or village or town (with or without additional area) erected into a town or city, or a township or county becomes separated, the by-laws in force therein respectively shall continue in force until repealed or altered by the council of the new corporation; but no such by-laws shall be repealed or altered unless they could have been or can be legally repealed or altered by the council which passed the same. 46 V. c. 18, c. 53.

What by-laws bind where limits of a municipality are extended.

54. In case an addition is made to the limits of any municipality, the by-laws of such municipality shall extend to the additional limits, and the by-laws of the municipality from which the same has been detached shall cease to apply to the addition, except only by-laws relating to roads and streets, and these shall remain in force until repealed by by-laws of the municipality to which the addition has been made. 46 V. c. 18, s. 54.

55. In the case of the erection of a locality into an incorporated village, or of a village into a town, or of a town into a city, the village, town or city shall remain subject to the debts and liabilities to which the locality was previously liable, in like manner as if the same had been contracted or incurred by the new municipality; and, after the separation of a county or township from a union, each county or township which formed the union shall remain subject to the debts and liabilities of the union, as if the same had been contracted or incurred by the respective counties or townships of the union after the dissolution thereof. 46 V. c. 18, s. 55.

Liability for debts at the time of dissolution.

56. After an addition has been made to a village, town or city by the annexation of an adjoining village or town, or adjoining portion of a township, the city, town or village whose limits shall have been so extended, shall pay to the township or county from which the additional territory has been taken such part, if any, of the debts of the township or county as may be just, and shall be entitled to receive from and be paid by the township or county the value of the interest which the added territory had at the time of making such addition in the property and assets of the township or county, and in case the councils do not, within three months after the first meeting of the council of the municipality to which the addition has been made, agree as to the sum to be paid or received as aforesaid, or as to the time of payment, the matter shall be settled by arbitration under this Act. 48 V. c. 39, s. 2.

Adjustment of debts whose limits were extended.

57. After the formation of a new corporation by the dissolution of a union of counties or townships, the council of the senior or remaining county or township shall issue its debentures or other obligations for any part of any debt contracted by the union for which debentures or other obligations might have been, but had not been, issued before the dissolution; and the debentures or obligations shall recite or state the liability of the junior county or township therefor under this Act; and the junior county or township shall be liable therefor as if the same had been issued by the union before the dissolution. 46 V. c. 18, s. 57.

Debentures to be issued for debts, and to bind the old and new municipalities.

58. All assessments imposed by the council of the then corporation for the year next before the year in which the new corporation is formed by separation therefrom, shall belong to the then corporation, and shall be collected and paid over accordingly, and after the separation all special rates for the payment of debts theretofore imposed upon the locality by any by-law of the former corporation shall continue to be levied by the new corporation; and the treasurer of the new corporation shall pay over the amount as received to the treasurer of the senior or remaining municipality, and the latter

Assessments for year preceding dissolution.

Special rates for debts continued, and to be paid over by treasurer of the junior county.

shall apply the money so received in the same manner as the money raised under the same by-law in the senior or remaining municipality. 46 V. c. 18, s. 58.]

If the sum paid over exceeds the just amount, the excess may be recovered.

59. In case the amount paid over as in the last preceding section provided, or paid to any creditor of the senior or remaining municipality, in respect of a liability of the former corporation, exceeds the sum which, by the agreement or award between the councils, the new corporation ought to pay, the excess may be recovered against the senior or remaining municipality. 46 V. c. 18, s. 59.

Former council and officers to exercise jurisdiction over new municipalities, etc., until new councils are organized.

60. In case a village is incorporated, or a village or town is erected into a town or city, or a township or county becomes separated, the council and the members thereof having authority in the locality or municipality immediately previous to the incorporation, erection or separation shall, until the council for the corporation is organized, continue to have the same powers as before; and all other officers and servants of the locality or municipality shall, until dismissed, or until successors are appointed, continue in their respective offices, with the same powers, duties and liabilities as before. 46 V. c. 18, s. 60.

Effect of separation upon public officers and their sureties.

61. The separation of a junior county or township from a union of counties or townships shall not in any case or in any manner whatever affect the office, duty, power or responsibility of any public officer of the union who continues a public officer of the senior county or township or remaining counties or townships after such separation, or the sureties of such officer or their liability, further than by limiting such office, duty, power, responsibility, suretyship and liability to the senior county or township, or remaining counties or townships. 46 V. c. 18, s. 61.

Further provisions as to officers and their sureties.

62. All such public officers shall, after the separation, be the officers of the senior county or township, or remaining counties or townships, as if they had originally been respectively appointed public officers for such senior county or township or for such remaining counties or townships only. 46 V. c. 18, s. 62.

Right to require new securities not affected.

63. All sureties for such public officers shall be, and remain liable, as if they had become the sureties for such public officers in respect only of such senior county or township, or of such remaining counties or townships; and all securities which have been given shall, after the separation, be read and construed as if they had been given only for the senior or remaining county or counties, or township or townships; but nothing herein contained shall affect the right of new securities being required to be given by any sheriff or by any clerk or bailiff, or other public officer, under any statute, or otherwise howsoever. 46 V. c. 18, s. 63.

PART II.

MUNICIPAL COUNCILS, HOW COMPOSED.

TITLE I.—THE MEMBERS.

TITLE II.—QUALIFICATION, DISQUALIFICATION, AND EXEMPTIONS.

TITLE I.—THE MEMBERS

DIV. I.—IN COUNTIES.

DIV. II.—IN CITIES.

DIV. III.—IN TOWNS.

DIV. IV.—IN INCORPORATED VILLAGES.

DIV. V.—IN TOWNSHIPS.

DIV. VI.—IN PROVISIONAL CORPORATIONS.

DIVISION I.—IN COUNTIES.

*Councils. Sec. 64.**Certificate of Election, etc. Secs. 65-67.*

64. The council of every county shall consist of the reeves County Councils. and deputy-reeves of the townships and villages within the county, and of any towns within the county which have not withdrawn from the jurisdiction of the council of the county, and one of the reeves or deputy-reeves shall be the warden.
46 V. c. 18, s. 64.

65. No reeve or deputy-reeve shall take his seat in the county council until he has filed with the clerk of the county council a certificate of the township, village or town clerk, under his hand, and the seal of the municipal corporation, that such reeve or deputy-reeve was duly elected, and has made and subscribed the declarations of office and qualification as such reeve or deputy-reeve; nor, in case of a deputy-reeve, until he has also filed with the clerk of the county an affirmation or declaration of the clerk or other Certificates as to election and number of freeholders and householders to be filed by reeves and deputy-reeves.

person having the legal custody of the last revised assessment rolls for the municipality which he represents, that there appear upon such rolls the names of at least 500 freeholders and householders in the municipality, possessing the same property qualification as voters, for the first deputy-reeve elected for the municipality, and that no alteration reducing the limits of the municipality, and the number of persons possessing the same property qualification as voters below 500 for each additional deputy-reeve, has taken place since the said rolls were last revised. 46 V. c. 18, s. 65.

Form of certificate as to election, etc.

66. The certificate in section 65 mentioned may be in the following form :

I, *A. B.*, of _____, Clerk of the Corporation of the Township (Town or Village *as the case may be*) of _____, in the County of _____, do hereby, under my hand and the seal of the said Corporation, certify that *C. D.*, of _____, Esquire, was duly elected Reeve (or Deputy Reeve *as the case may be*), of the said Township (Town or Village *as the case may be*), and has made and subscribed the declaration of office and qualification as such Reeve (or Deputy Reeve, *as the case may be*).

Given under my hand and the seal of the said Corporation of _____ at _____, in the said Township (Town or Village *as the case may be*), this _____ day of _____, A.D. 18 _____.

{ Seal of the
Municipal
Corporation. }

A. B.
Township (Town or Village) Clerk.
46 V. c. 18, s. 66.

Form of declaration as to number of freeholders and householders.

67. The declaration in section 65 mentioned may be in the following form :

I, *A. B.*, of _____, Gentleman, Clerk of the Township (Town or Village, *as the case may be*) of _____, in the County of _____ do hereby declare and affirm as follows :

(1) That I am the person having the legal custody of the last revised assessment roll for the said Township (Town or Village *as the case may be*).

(2) That there appear upon the said roll the names of at least hundred (500 *for each Deputy Reeve*) freeholders and householders in the said Township (Town or Village *as the case may be*), possessing the same property qualification as voters.

(3) That no alteration reducing the limits of the said Municipality, and the number of persons possessing the same property qualification as voters below _____ hundred (500 *for each Deputy Reeve*), has taken place since the said roll was last revised.

A. B.
46 V. c. 18, s. 67.

DIVISION II.—IN CITIES.

Councils. Sec. 68.

68. The council of every city shall consist of the mayor, City councils. who shall be the head thereof, and three aldermen for every ward, to be elected in accordance with the provisions of this Act. 46 V. c. 18, s. 68.

DIVISION III.—IN TOWNS.

Councils. Sec. 69.

69.—(1) The council of every town shall consist of the Town Councils. mayor, who shall be the head thereof, and of three councillors for every ward where there are less than five wards, and of two councillors for each ward where there are five or more wards; and if the town has not withdrawn from the jurisdiction of the council of the county in which it lies, then a reeve shall be added, and if the town had the names of 500 freeholders and householders on the last revised assessment roll, possessing the same property qualification as voters (notwithstanding that such persons may not be entitled to be voters), then a deputy reeve shall be added, and for every additional 500 names of persons possessing the same property qualification as voters on such roll, there shall be elected an additional deputy-reeve: Provided always that the council of every town, where Reduction of number of councillors. there are less than five wards, may, upon a petition of not less than 100 municipal electors, pass a by-law reducing the number of councillors for each ward to two; but such by-law, before the final passing thereof, shall receive the assent of the electors of the municipality in the manner provided for in section 293 and following sections of this Act.

(2) Any time after two annual municipal elections shall have been held, under a by-law passed as provided for under this section, the council of the municipality shall, upon the presentation to the council of a petition of not less than 100 resident municipal electors, asking the council to submit a by-law to a vote of the electors, for the repeal of the by-law so passed, in accordance with section 293 of this Act, without unnecessary delay, submit such repealing by-law to a vote of the electors of the municipality; the proceedings in regard to the submission of such by-laws, both as to enacting and repeal, shall be as provided in this Act in regard to by-laws requiring the assent of the electors. 46 V. c. 18, s. 69.

DIVISION IV.—IN INCORPORATED VILLAGES.

Councils. Sec. 70.

Incorporated
Village Councils.

70. The council of every incorporated village shall consist of one reeve, who shall be the head thereof, and four councillors, and if the village had the names of 500 freeholders and householders on the last revised assessment roll, possessing the same property qualification as voters (notwithstanding that such persons may not be entitled to vote), then of a reeve, deputy-reeve and three councillors, and for every additional 500 names of persons possessing the same property qualification as voters on such roll (notwithstanding that such persons may not be entitled to be voters), there shall be elected an additional deputy-reeve instead of a councillor. 46 V. c. 18, s. 70.

DIVISION V.—IN TOWNSHIPS.

Councils. Sec. 71.

Township
Councils.

71. The council of every township shall consist of a reeve, who shall be the head thereof, and four councillors, one councillor being elected for each ward, where the township is divided into wards, and the reeve to be elected by a general vote; but if the township had the names of 500 freeholders and householders on the last revised assessment roll, possessing the same property qualification as voters (notwithstanding that such persons may not be entitled to vote), then the council shall consist of a reeve, deputy-reeve, and three councillors and for every 500 additional names of persons possessing the same property qualification as voters on such roll (notwithstanding that such persons may not be entitled to be voters), there shall be elected an additional deputy-reeve instead of a councillor. 46 V. c. 18, s. 71.

DIVISION VI.—IN PROVISIONAL CORPORATIONS.

Councils. Sec. 72.

Provisional
Councils.

72. The reeves and deputy-reeves of the municipalities within a junior county for which a provisional council is established, shall, *ex officio*, be the members of the provisional council. 46 V. c. 18, s. 72.

TITLE II.—QUALIFICATION, DISQUALIFICATION, AND EXEMPTIONS.

DIV. I.—QUALIFICATION,

DIV. II.—DISQUALIFICATION.

DIV. III.—EXEMPTIONS.

DIVISION I.—QUALIFICATION.

In each Municipality. Sec. 73.

Nature of Estate to be possessed. Sec. 74.

In new Township where no Assessment Roll. Sec. 75.

Where only one qualified person for each seat. Sec. 76.

73. No person shall be qualified to be elected a mayor, Qualification of mayors, aldermen, etc. alderman, reeve, deputy-reeve, or councillor of any municipality unless such person resides within the municipality, or within two miles thereof, and is a natural born or naturalized subject of Her Majesty, and a male of the full age of twenty-one years, and is not disqualified under this Act, and has, or whose wife has, at the time of the election, as proprietor or tenant, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal and partly equitable, rated in his own name, or in the name of his wife, on the last revised assessment roll of the municipality, to at least the value following, over and above all charges, liens, and encumbrances affecting the same :

1. In incorporated villages—Freehold to \$200, or leasehold In villages to \$400 ;
2. In towns—Freehold to \$600, or leasehold to \$1,200 ; In towns ;
3. In cities—Freehold to \$1,000, or leasehold to \$2,000 ; In cities ;
4. In townships—Freehold to \$400, or leasehold to \$800 ; In townships ;

And so in the same proportions in all municipalities, in case the property is partly freehold and partly leasehold ;

But, if within any municipality any such person is at the time of election in actual occupation of any such freehold, rated in his own name or in the name of his wife, on the last revised assessment roll of the said municipality, he will be entitled to be elected, if the value at which such freehold is actually rated in said assessment roll amounts to not less than \$2,000, and for that purpose the said value shall not be affected or reduced by any lien, encumbrance or charge existing on or affecting such freehold. 50 V. c. 29, s. 2.

74. The term “ leasehold ” in the last preceding section shall “ Leasehold ” defined. not include a term less than a tenancy for a year, or from year to year ; and the qualifications of all persons, where a qualification Nature of estate. is required under this Act, may be of an estate either legal or equitable, or may be composed partly of each. 46 V. c. 18, s. 74.

In a new town-
ship not hav-
ing assessment
roll.

75. In case of a new township erected by proclamation, for which there has been no assessment roll, every person who, at the time of the first election, has such an interest in real property, and to such an amount as hereinbefore mentioned, shall be deemed to be possessed of a sufficient property qualification. 46 V. c. 18, s. 75.

If only one
person be
qualified for
each seat in
the council.

76. In case in a municipality there are not at least two persons qualified to be elected for each seat in the council, no qualification beyond the qualification of an elector shall be necessary in the persons to be elected. 46 V. c. 18, s. 76.

DIVISION II.—DISQUALIFICATION.

Persons disqualified. Sec. 77.

Persons dis-
qualified from
being mem-
bers of coun-
cils.

77.—(1) No Judge of any Court of civil jurisdiction, no gaoler or keeper of a house of correction, no sheriff, deputy sheriff, sheriff's bailiff, high bailiff or chief constable of any city or town, assessor, collector, treasurer, or clerk of any municipality, no bailiff of any Division Court, no county crown attorney, no registrar, no deputy clerk of the crown, no clerk of the County Court, no clerk of the peace, no innkeeper or saloonkeeper, or shopkeeper licensed to sell spirituous liquors by retail, no license commissioner or inspector of licenses, no police magistrate, and no person having by himself or his partner an interest in any contract with or on behalf of the corporation, and no person who is counsel or solicitor, either by himself or with or through another, in the prosecution of any claim, action or proceeding against the municipality shall be qualified to be a member of the council of any municipal corporation. 46 V. c. 18, s. 77; 47 V. c. 32, s. 2.

Provision as to
shareholders
in companies
having deal-
ings with cor-
porations and
leases for 21
years from
incorporation.

2) But no person shall be held to be disqualified from being elected a member of the council of any municipal corporation by reason of his being a shareholder in any incorporated company having dealings or contracts with the council of such municipal corporation, or by having a lease of twenty-one years or upwards, of any property from the corporation, but no such leaseholder shall vote in the council on any question affecting any lease from the corporation, and no such shareholder on any question affecting the company. 46 V. c. 18, s. 77.

DIVISION III.—EXEMPTIONS.

Officials and Persons exempted. Sec. 78.

Exemptions.

78. All persons over sixty years of age, all Members and officers of the Legislative Assembly of Ontario and of the Senate or House of Commons of Canada, all persons in the civil ser-

vice of the Crown, all Judges not disqualified by the last preceding section, all coroners, all persons in priests' orders, clergymen and ministers of the Gospel of every denomination, all members of the Law Society of Ontario, whether barristers or students, all solicitors in actual practice, all officers of Courts of Justice, all members of the medical profession, whether physicians or surgeons, all professors, masters, teachers and other members of any university, college, or school in Ontario, and all officers and servants thereof, all millers, and all firemen belonging to an authorized fire company—are exempt from being elected or appointed members of a municipal council, or to any other municipal office. 46 V. c. 18, s. 78. *See also as to Firemen*, Cap. 188, ss. 2-4.

PART III.

MUNICIPAL ELECTIONS.

TITLE I.—ELECTORS.

TITLE II.—ELECTIONS.

TITLE I.—ELECTORS.

DIVISION I.—QUALIFICATION.

Freehold, Household, Income, or Farmers' Sons. Sec. 79.

Amount of rating requisite. Sec. 80.

Persons in default for non-payment of taxes. Sec. 81.

Elector must be named on voters' list. Sec. 82.

In new Municipality having no Assessment Roll. Sec. 83.

Where new Territory added. Sec. 84.

Joint or several rating on same property. Secs. 85, 86.

Householder, definition of. Sec. 87.

79.—(1) Subject to the provisions of the next following eight sections the right of voting at municipal elections shall belong to the following persons, being men, or unmarried women, or widows, of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, being rated, to the amount hereinafter provided, on the revised assessment roll, upon which the voters' list used at the election is based, of the municipality, for real property held in their own right (or, in the case of married men, held by their wives), or for income, and having received no reward and having no expectation of reward for voting: Qualification
of electors.

Freeholders. *Firstly.* All persons, whether resident or not, who are, in their own right or whose wives are, at the date of the election, freeholders of the municipality ;

Householders and tenants. *Secondly.* All residents of the municipality, who have resided therein for one month next before the election, and who are, or whose wives are, at the date of the election, householders or tenants in the municipality ;

Income voters. *Thirdly.* All residents of the municipality at the date of the election, who have continuously resided therein since the completion of the last revised assessment roll therefor, and who are in receipt of an income from some trade, office, calling or profession, of not less than \$400 ;

Farmers' sons. *Fourthly.* All residents of the municipality at the date of the election who are farmers' sons, and have resided in the municipality on the farm of their father or mother for twelve months next prior to the return by the assessors of the assessment roll, on which the voters' list used at the election is based.

When more than one son so resident. (2) If there are more sons than one so resident, and if the farm is not rated and assessed at an amount sufficient, if equally divided between them, to give a qualification to vote to the father and all the sons, where the father is living, or to the sons alone where the father is dead and the mother is a widow, then the right to vote shall belong to and be the right only of the father and such of the eldest or elder of said sons to whom the amount at which the farm is rated and assessed will, when equally divided between them, give the qualification to vote.

Where father living and assessment not sufficient to qualify more than one. (3) If the amount at which the farm is so rated and assessed is insufficient, if equally divided between the father, if living, and one son, to give to each a qualification to vote, then the father shall be the only person entitled to vote in respect of such farm.

Temporary absence. (4) Occasional or temporary absence from the farm for a time or times not exceeding in the whole four months of the twelve hereinbefore mentioned, shall not operate to disentitle a farmer's son to vote.

Interpretation. (5) In this section :

"Farm" shall mean land actually occupied by the owner thereof, and not less in quantity than twenty acres ;

"Son" or "sons" or "farmer's son" or "farmers' sons" shall mean any male person or persons not otherwise qualified to vote, and being the son or sons of an owner and actual occupant of a farm ;

"Father" shall include stepfather ;

"Election" shall mean an election for a member to a municipal council ;

"To vote" shall mean to vote at an election ; and

"Owner" shall mean a person who is proprietor in his own right, or whose wife is proprietor in her own right, of an estate for life, or any greater estate, either legal or equitable, except where the owner is a widow, and in such latter case the word "owner" shall mean proprietor in her own right of any such estate. 46 V. c. 18, s. 79 ; 47 V. c. 32, s. 3 ; 50 V. c. 8, sched.

80. In order to entitle a person to vote as aforesaid in respect of real property, such property, whether freehold or household or partly each, must be rated at an actual value of not less than the following :

In Townships—\$100.

In Incorporated Villages—\$200.

In Towns—\$300.

In Cities—\$400. 46 V. c. 18, s. 80.

81. No person who has been returned by the treasurer or collector under section 119 as in default for non-payment of his taxes on or before the 14th day of December next preceding any election, shall be entitled to vote in respect of income in any municipality or in respect of real property in municipalities which have passed by-laws under sub-section 2 of section 489, but any person who is entitled to vote and who produces and leaves with the deputy-returning officer at the time of the tendering of the vote a certificate from the treasurer of the municipality, or the collector of taxes, shewing that the taxes in respect of which the default had been made have since been paid, shall be entitled to vote ; and the deputy-returning officer shall file the certificate, receive the vote and note the same on the defaulters' lists. 46 V. c. 18, s. 81 ; 50 V. c. 29, s. 3.

82. Except in the case of a new municipality for which there is no assessment roll, no person shall be entitled to vote at any election, unless he is one of the persons named or purporting to be named in the proper list of voters ; and no question of qualification shall be raised at any election, except to ascertain whether the person tendering his vote is the same person as is intended to be designated in the list of voters. 46 V. c. 18, s. 82.

83. At the first election of a new municipality for which there is no separate assessment roll, every resident male inhabitant, though not previously assessed, shall be entitled to vote if he possesses the other qualifications above mentioned, and has at the time of the election sufficient property to have entitled him to vote if he had been rated for such property. 46 V. c. 18, s. 83.

Amount of rating necessary.

Persons in default for non-payment of taxes not to vote.

Elector must be named in voters' list.

No question of qualification to be raised.

In newly erected municipalities not having any assessment roll.

Where new territory added to city, town or village, or a new city, town or village erected with added territory, and no voters' lists including such new territory.

84. Where any territory is added for municipal purposes to any city, town or village, or where a town with additional territory is erected into a city, or a village with additional territory is erected into a town, or in case a new village is formed, and an election takes place before voters' lists including the names of persons entitled to vote in such territory are made out for such new or enlarged city, town or village, or before such lists are certified by the County Judge, then all persons who would have been qualified as electors in such territory if the same had remained separate from the city, town or village, or if such town or village had not been erected into a city or town, or if such village had not been formed, shall be entitled to vote in the city, town or village at such election. 46 V. c. 18, s. 84.

If owner and occupant severally rated both to be deemed rated.

85. In case both the owner and occupant of any real property are rated severally but not jointly therefor, both shall be deemed rated within this Act. 46 V. c. 18, s. 85.

When joint owners or occupants rated, rating to be equally divided.

86. Where real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated within this Act, otherwise none of them shall be deemed so rated. 46 V. c. 18, s. 86.

"Householder" defined.

87. Every occupant of a separate portion of a house, such portion having a distinct communication with a public road or street by an outer door, shall be deemed a householder within this Act. 46 V. c. 18, s. 87.

TITLE II.—ELECTIONS.

DIV. I.—TIME AND PLACE OF HOLDING.

DIV. II.—RETURNING OFFICERS AND DEPUTY-RETURNING OFFICERS.

DIV. III.—OATHS.

DIV. IV.—PROCEEDINGS PRELIMINARY TO THE POLL.

DIV. V.—THE POLL.

DIV. VI.—MISCELLANEOUS PROVISIONS.

DIV. VII.—VACANCIES IN COUNCIL.

DIV. VIII.—CONTROVERTED ELECTIONS.

DIV. IX.—PREVENTION OF CORRUPT PRACTICES.

DIVISION I.—TIME AND PLACE OF HOLDING.

In Municipalities other than Counties. Sec. 88

In new or altered Municipalities. Sec. 89.

Place, how fixed. Sec. 90.

In separated Townships. Secs. 91, 92.

Election of Reeves, etc., in Townships and Villages. Sec. 93.

Election Divisions. Sec. 94.

Where Elections shall be held. Secs. 95, 96.

88. The electors of every municipality (except a county) shall elect annually, on the first Monday in January, the members of the council of the municipality, except such members as have been elected at the nomination; and the persons so elected shall hold office until their successors are elected or appointed and sworn into office, and the new council is organized. 46 V. c. 18, s. 88.

Elections to be held annually for members of councils of municipalities (except counties).

Term of office.

89. In case of the incorporation of a new township or union of townships; or of the separation of a junior township from a union of townships; or of the erection of a locality into an incorporated village; or of the erection of a village into a town or of a town into a city; or of an additional tract of land being added to an incorporated village, town or city; or in case of a new division into wards of a town or city,—the first election, under the proclamation or by-law by which the change was effected, shall take place on the first Monday in January next after the end of three months from the date of the proclamation, or from the passing of the by-law by which the change is made, and until such day the change shall not go into effect; but the nomination of candidates and the election of such officers as are unopposed, may, and shall be proceeded with at the same time and in the same manner as if such change had gone into effect on the last Monday of the month of December preceding such first election, or on such other day as the nominations may lawfully be held upon. 46 V. c. 18, s. 89.

First elections where corporations are newly erected or extended.

Times of elections.

90. The council of every city, town and village municipality (including a village newly erected into a town, and a town newly erected into a city), shall from time to time, by by-law, appoint the place or places for holding the next ensuing municipal election, otherwise the election shall be held at the place or places at which the last election for the municipality or wards or polling subdivisions was held. 46 V. c. 18, s. 90.

Place to be fixed by by-law of municipalities.

91. When in any year a junior township of a union has 100 resident freeholders and householders on the then last revised assessment roll, the council of the county shall, by a by-law to be passed before the thirty-first day of October in the same year, fix the place for holding the first annual election of councillors in the township, and appoint a returning officer for holding the same, and otherwise provide for the due holding of the election according to law. 46 V. c. 18, s. 91.

County council to appoint place of first election in junior townships after separation.

Existing ward divisions in united townships to cease on dissolution of union.

92. In case of the separation of a union of townships, the existing divisions into wards, if any, shall cease, as if the same had been duly abolished by by-law, and the elections of councillors shall be by general vote, until the township or townships are divided into polling subdivisions or wards under the provisions of this Act. 46 V. c. 18, s. 92.

Election of reeves, etc., in townships and incorporated villages to be by general vote.

93. The election, in townships and incorporated villages, of reeves, deputy-reeves and councillors, shall be by general vote, except in the case of deputy-reeves and councillors in townships divided into wards, and shall be held at the place or places where the last meeting of the council was held, or in such other place or places as may be from time to time fixed by by-law. 46 V. c. 18, s. 93.

Upon petition the council may, by by-law, divide townships into wards, etc.

94. In case a majority of the qualified electors of a township on the last revised assessment roll petition the council of the township to divide the township into wards, or to abolish or alter any then existing division into wards, the council shall, within one month thereafter, pass a by-law to give effect to such petition; and, if such petition is for division into wards, shall divide such township into wards, having regard to the number of electors in each ward being as nearly equal as may be; and the number of wards for municipal purposes shall be four in all cases; and where the township is divided into wards, and is entitled to one or more deputy reeves, the councillors shall, at their first meeting, elect from among themselves such deputy-reeve or reeves. 46 V. c. 18, s. 94.

Election of deputy-reeves, etc., in such case.

Election to be held in municipality.

95. Every election shall be held in the municipality to which the same relates. 46 V. c. 18, s. 95.

Election of township councillors.

96. No election of township councillors shall be held within any city, town or incorporated village, nor shall any election for a municipality, or any ward thereof, be held in a tavern or in a house of public entertainment licensed to sell spirituous or fermented liquors. 46 V. c. 18, s. 96.

DIVISION II.—RETURNING OFFICERS AND DEPUTY-RETURNING OFFICERS.

When election by polling subdivisions. Sec. 97.

When not. Sec. 98.

Death or absence, provision for. Sec. 99.

Authority of. Secs. 100, 101.

Special Constables. Sec. 101.

By-law for an election by wards or polling subdivisions.

97.—(1) The council of every municipality in which the election is to be made by wards or polling subdivisions, shall, from time to time, by by-law, appoint:

- (a) The places for holding the nominations for each ward ;
- (b) The returning officers who shall respectively hold the nominations for each ward ;
- (c) The places at which polls will be opened in the municipality in case a poll is required ;
- (d) The deputy returning officers who shall preside at the respective polling places.

(2) The clerk of the municipality shall be the returning officer for the whole municipality, and in the case of a poll being required, the deputy-returning officers shall make to him the returns for their respective wards or polling subdivisions. 46 V. c. 18, s. 97.

Clerk of municipality to be returning officer for whole Municipality.

98. In the case of a municipality in which the election is not to be by wards or polling subdivisions, the clerk shall be the returning officer to hold the nomination of candidates at all elections after the first, and shall also perform all the duties hereinafter assigned to deputy-returning officers. 46 V. c. 18, s. 98.

Returning officer for elections not by wards or polling subdivisions.

99. In any case where a deputy-returning officer refuses or neglects to attend at the time and place he is required by the returning officer to receive his voters' lists, and other election papers, the clerk of the municipality as returning officer shall appoint another person to act in his place and stead, and the person so appointed shall have all the powers and authority that he would have had if he had been appointed by by-law. In case, at the time appointed for holding a nomination or poll, the person appointed to be returning officer or deputy-returning officer has died, or does not attend to hold the nomination or poll within an hour after the time appointed, or in case no returning officer or deputy-returning officer has been appointed, the electors present at the place for holding the nomination or poll may choose from amongst themselves a returning officer or deputy-returning officer, and such returning officer or deputy-returning officer shall have all the powers, and shall forthwith proceed to hold the nomination or poll, and perform all the other duties of a returning officer or deputy-returning officer. 46 V. c. 18, s. 99 ; 50 V. c. 29, s. 4.

The death or absence of the returning officer or deputy returning officer provided for.

100. Every returning officer and deputy-returning officer shall, during the days of the election, or of the voting of electors upon a by-law, act as a conservator of the peace for the city or county in which the election or voting is held ; and he, or any Justice of the Peace having jurisdiction in the municipality in which the election or voting is held, may cause to be arrested, and may summarily try and punish by fine or imprisonment, or both, or may imprison or bind over to keep the peace, or for trial, any riotous or disorderly person, who assaults, beats, molests or threatens any voter coming to, or remaining

Returning officers and deputy returning officers to be conservators of the peace ; their powers.

at, or going from the election or voting; and, when thereto required, all constables and persons present at the election or voting, shall assist the returning officer, or deputy-returning officer, or Justice of the Peace. 46 V. c. 18, s. 100.

Special constables may be sworn in.

101. Every returning officer, or deputy-returning officer, or Justice of the Peace may appoint and swear in any number of special constables to assist in the preservation of the peace and of order at an election or at the voting of electors upon a by-law; and any person liable to serve as constable, and required to be sworn in as a special constable by a returning officer or deputy-returning officer, or justice, shall, if he refuses to be sworn in or to serve, be liable to a penalty of \$20, to be recovered to the use of any one who will sue therefor. 46 V. c. 18, s. 101.

DIVISION III.—OATHS.

Of freeholder. Sec. 102.

Of householder or tenant. Sec. 103.

Of income voter. Sec. 104.

Of farmer's son. Sec. 105.

Administering. Sec. 106.

Oaths, etc., of person claiming to vote as a freeholder.

102. The only oaths or affirmations to be required of a person claiming to vote in respect of a freehold, shall be as follows, or to the like effect:

You swear (or solemnly affirm) that you are the person named, or purporting to be named, in the list (or supplementary list) of voters now shewn to you (*showing the list to the voter*);

(*In the case of an unmarried woman or widow claiming to vote.*) That you are unmarried (or a widow, as the case may be);

That you are in your own right (or your wife is) a freeholder.

That you are a natural born (or naturalized) subject of Her Majesty, and of the full age of twenty-one years;

(*In the case of Municipalities not divided into wards.*) That you have not voted before at this election, either at this or any other polling place.

(*In the case of Municipalities divided into wards.*) That you have not voted before at this election, either at this or any other polling place in this Ward and (if the elector is tendering his vote for Mayor, Reeve, or Deputy-Reeve) that you have not voted before or elsewhere in this Municipality at this election for Mayor, (Reeve or Deputy-Reeve as the case may be);

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election:

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election :

So help you God.

(In the case of a new Municipality in which there has not been any assessment roll, then instead of referring to the list of voters, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote.)

In new Municipality where no assessment roll.

46 V. c. 18, s. 102 ; 47 V. c. 32, s. 4.

103. The oath or affirmation to be required of a person claiming to vote as householder or tenant, shall be as follows or to the like effect :

Oath of householder or tenant.

You swear (or solemnly affirm) that you are the person named, or purporting to be named, in the list, (or supplementary list) of voters now shewn to you (*showing the list to the voter*) ;

(In the case of an unmarried woman or widow claiming to vote.) That you are unmarried (or a widow, as the case may be ;)

That on the _____ day of _____ 18 (*the day certified by the Clerk of the Municipality as the date of the return, or of the final revision and correction of the assessment roll upon which the voters' list used at the election is based*) you were actually, truly, and in good faith, possessed to your own use and benefit, as tenant or occupant, of the real estate in respect of which your name is entered on the said list ;

That you are (or your wife is) a householder or tenant within this Municipality ;

That you have been resident within this Municipality for one month next before this election ;

That you are a natural-born (or naturalized) subject of Her Majesty, and of the full age of twenty-one years ;

(In the case of municipalities not divided into wards.) That you have not voted before at this election, either at this or any other polling place ;

(In the case of municipalities divided into wards.) That you have not voted before at this election, either at this or any other polling place in this Ward, and (if the elector is tendering his vote for Mayor, Reeve, or Deputy Reeve) that you have not voted before or elsewhere in this Municipality at this election for Mayor, (Reeve or Deputy Reeve, as the case may be) ;

That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election ;

That you have not received anything nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election :

So help you God.

(In the case of a new Municipality in which there has not been any assessment roll, then, instead of swearing to residence for one month next before the election, and referring to the list of voters, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote, and that he is a resident of such Municipality.) 46 V. c. 18. s. 103 ; 47 V. c. 32, s. 4.

In new municipality where no assessment roll.

Oath of income
voter.

104. The oath or affirmation to be required of a person claiming to vote in respect of income shall be as follows :

You swear (or solemnly affirm) that you are the person named (or purporting to be named by the name of) on the list (or supplementary list) of voters now shewn to you (*showing the list to the voter*) ;

(*In the case of a widow or unmarried woman claiming to vote.*) That you are unmarried (or a widow, as the case may be) ;

That on the day of 18 (*the day certified by the Clerk of the Municipality as the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based*), you were, and thenceforward have been continuously, and still are, a resident of this Township (City, Town or Village, as the case may be) ;

That at the said date, and for twelve months previously, you were in receipt of an income from your trade (office, calling, or profession, as the case may be) of a sum of not less than \$400 ;

That you are a subject of her Majesty by birth (or naturalization, as the case may be) ; and are of the full age of twenty-one years ;

(*In the case of Municipalities not divided into Wards.*) That you have not voted before at this election, either at this or any other polling place ;

(*In the case of Municipalities divided into Wards.*) That you have not voted before at this election, either at this or any other polling place in this Ward, and (if the elector is tendering his vote for Mayor, Reeve or Deputy Reeve) that you have not voted before or elsewhere in this Municipality at this election for Mayor (Reeve or Deputy Reeve, as the case may be) ;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or refrain from voting at this election :

So help you God. 46 V. c. 18, s. 104 ; 47 V. c. 32, s. 4.

Oath of farm-
er's son.

105. The oath or affirmation to be required from a farmer's son claiming to be entitled to vote shall be as follows :

You swear (or solemnly affirm) that you are the person named (or purporting to be named by the name of) in the list (or supplementary list) of voters now shewn to you (*showing the list to the voter*) ;

That on the day of , 18 (*the day certified by the Clerk of the Municipality, as the date of the return, or of the final revision and correction of the assessment roll upon which the voters' list used at the election is based, as the case requires*), A. B. (naming him or her), was actually, truly, and in good faith possessed to his (or her) own use and benefit as owner, as you verily believe, of the real estate in respect of which your name is so as aforesaid entered on said list of voters ;

That you are a son of the said A. B. ;

That you resided on the said property for twelve months next before the said day, not having been absent during that period, except temporarily, and not more than four months in all :

That you are still a resident of this Municipality, and entitled to vote at this election ;

That you are a subject of Her Majesty by birth (or naturalization as the case may be) ; and are of the full age of twenty-one years ;

In the case of municipalities not divided into wards.) That you have not voted before at this election, either at this or any other polling place ;

(In the case of municipalities divided into wards.) That you have not voted before at this election, either at this or any other polling place in this Ward, and (if the elector is tendering his vote for Mayor, Reeve or Deputy Reeve) that you have not voted before or elsewhere in the Municipality at this election for Mayor, (Reeve, or Deputy Reeve as the case may be) ;

That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election ; .

So help you God.

46 V. c. 18, s. 105.

106. Such oaths or affirmations shall be administered by the returning officer or deputy-returning officer as the case may be, at the request of any candidate or his authorized agent, and no inquiries shall be made of any voter, except with respect to the facts specified in such oaths or affirmations. 46 V. c. 18, s. 106.

When and how oaths are to be administered.

DIVISION IV.—PROCEEDINGS PRELIMINARY TO THE POLL.

Nomination Meetings. Secs. 107-111.

Presiding Officer. Secs. 108, 110, 114.

Provision for Christmas Day. Sec. 112.

Interval between Nomination and Election in Townships. Sec. 113.

Notice of Nomination. Sec. 115.

Proceedings at Nomination. Sec. 116.

Poll, when and where to be held. Sec. 116.

Resignations—Notifications as to Candidates. Sec. 117.

Votes to be given by Ballot. Sec. 118.

List of Defaulters in payment of Taxes. Sec. 119.

Ballot Boxes. Sec. 120.

Ballot Papers. Secs. 121-123.

Polling Places. Secs. 124, 125.

Ballot papers, voters' lists, etc., to be furnished to Deputy Returning Officers. Secs. 124, 126, 129-132, 135.

Directions to Voters. Secs. 126, 127.

Voters and Defaulters' Lists. Secs. 128-134.

Certificates as to the Assessment Roll. Sec. 135.

In Municipalities not divided into Wards, Clerk to perform duties of Deputy Returning Officer. Sec. 136.

Where Electors may vote. Secs. 137-141.

Penalty for voting twice for Mayor, etc. Sec. 140.

Meeting for nomination of mayor, reeve, deputy reeves, etc.

107. A meeting of the electors shall take place for the nomination of candidates for the office of mayor in cities, and for mayor, reeve and deputy-reeves in towns, at the hall of the municipality, on the last Monday in the month of December, annually, at ten of the clock in the forenoon, and the deputy-reeves shall be designated as first, second, third, etc., according to the number to be elected. 46 V. c. 18, s. 107.

The clerk to preside.

Chairman.

108. The clerk of the municipality shall be the returning officer to preside at such meeting, or in case of his absence, the council shall appoint a person to preside in his place; and if the clerk or the person so appointed does not attend, the electors present shall choose a chairman or person to officiate, from among themselves, and such clerk or chairman shall have all the powers of a returning officer. 46 V. c. 18, s. 108.

Meetings in cities, towns, etc., for nomination of aldermen, etc.

109. A meeting of the electors shall take place for the nomination of candidates for the offices of aldermen in cities, councillors in towns, and of reeves, deputy-reeves and councillors in townships not divided into wards, and incorporated villages, at noon, on the last Monday in December, annually, at the town hall of such municipalities, or at such place therein, and in cities and towns at such places in each ward thereof, as may from time to time be fixed by by-law, subject, in the case of townships, to the provisions of section 111; and the deputy-reeves shall be designated as first, second, third, etc., according to the number to be elected. 46 V. c. 18, s. 109.

In townships divided into wards.

110. In townships divided into wards, the nomination of candidates for the office of reeve shall be held at ten of the clock in the forenoon on the last Monday in December, at such place in the township as may from time to time be fixed by by-law, and the township clerk shall preside; the nomination of candidates for the office of councillor, to be elected for each ward, shall take place at noon, at the town hall of the township or at such place in the township or in each ward as may be fixed by by-law; subject, however, to the provisions of section 111. 46 V. c. 18, s. 110.

Place of meeting for nomination of reeves, etc.

111. Where a township is so situated that the territory of such township adjoins the limits of any city, town, or incorporated village, such city, town, or village may be designated by by-law as the place of meeting for the nomination of candidates for the offices of reeves, deputy-reeves, and councillors, as the case may be, under and in accordance with the provisions of the preceding two sections of this Act. 48 V. c. 39, s. 5.

If nomination day falls on Christmas day.

112. When the last Monday in December happens to be Christmas day, the nomination of candidates for the offices of mayor and aldermen in cities, and of mayor, reeve, deputy-

reeve and councillors in other municipalities, shall take place on the preceding Friday, at the times and places and in the manner prescribed by law. 46 V. c. 18, s. 111.

113.—(1) Every county council may, by by-law, made on or before the 1st day of July in any year provide that the day for the nomination of candidates for reeve, deputy-reeves, and councillors in townships shall be upon the last Monday but one in December, but all the other provisions of law relating to municipal elections shall apply to the elections in such townships.

County council may by by-law lengthen time between nomination and polling in townships.

(2) Forthwith, after the passing of such by-law, the county clerk shall transmit a copy thereof to the clerks of the townships to which the same relates. 46 V. c. 18, s. 112.

Copy of by-law to be sent to townships affected.

114. The returning officer appointed for each ward, as in section 97 mentioned, or the clerk as the case may be, shall respectively preside at the meeting for the nomination of candidates, and in case of the absence of such presiding officer, the meeting may choose a chairman. 46 V. c. 18, s. 113.

Presiding officer.

115. The clerk or other returning officer whose duty it is to preside at the meeting for the nomination of candidates shall give at least six days' notice of such meeting. 46 V. c. 18, s. 114.

Notice of nomination meeting.

116. At the said meetings, the person or persons to fill each office shall be proposed and seconded *seriatim*; and if only one candidate for any particular office is proposed, the clerk or other returning officer or chairman shall, after the lapse of one hour from the time fixed for holding the meeting, declare such candidate duly elected for such office. But if two or more candidates are proposed for any particular office, and if a poll is required by them respectively, or by any elector, the clerk or other returning officer or chairman shall adjourn the proceedings for filling such office until the first Monday in January next thereafter, when a poll or polls shall be opened in each ward or polling subdivision, at such place or places respectively as may be fixed by the by-law of the said councils for the election, at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer. 46 V. c. 18, s. 115.

Nomination and proceedings in respect thereto.

Poll—when and where to be held.

117. At the nomination meeting or at any time within two days thereafter, any person proposed for one or more offices may resign, or elect for which office he is to remain nominated; and in default he shall be taken as nominated for the office in respect of which he was first proposed and seconded; the clerk or other returning officer or chairman shall, on the day following that of the nomination, post up in the office of the clerk of the municipality the names of the persons proposed for the respective offices; provided always, that the resignation after

Resignation of persons proposed for office at nomination meetings.

Provido.

Provide.

the nomination meeting of any person so proposed shall be in writing, signed by him and attested by a witness, and shall, within said two days, be delivered to the clerk of the municipality; provided, also, that if by reason of such resignation only one candidate remains proposed for a particular office, the clerk or other returning officer shall declare such candidate duly elected for such office. 47 V. c. 32, s. 5.

Votes to be by
ballot.

118. In case of a poll at an election of persons to serve in municipal councils, the votes shall be given by ballot. 46 V. c. 18, s. 117.

List of Defaulters in payment of Taxes.

Preparation of
list of de-
faulters.

119.—(1) On or before the day of nomination of candidates, if the collectors' roll has been returned to the treasurer of the municipality, the treasurer shall prepare and verify on oath, or if the collector's roll has not been so returned, the collector shall prepare and verify on oath, a correct alphabetical list of—

(a) All persons who, being on the voters' list (that is to say the first and second parts thereof) by reason of their income only, have not paid their municipal taxes on such income on or before the 14th day of December preceding the election; and,

(b) In municipalities which have passed by-laws under sub-section 2 of section 489 of this Act, all persons on the voters' list (that is to say the first and second parts thereof), who have been assessed for real property, but have not paid their municipal taxes on such property on or before the 14th day of December preceding the election.

List to be
made for each
polling
division.

(2) Where a municipality is divided into polling subdivisions, such a list of defaulters shall be made for each polling subdivision.

Certified
copies to be
furnished.

(3) The person preparing the said defaulters' lists, shall furnish to all persons applying for the same, certified copies thereof and of the affidavit verifying the same, in the same manner and for the same compensation as copies of the voters' list are to be furnished. 46 V. c. 18, s. 118.

Ballot Boxes.

Ballot boxes to
be furnished.

120.—(1) Where a poll is required, the clerk of the municipality shall procure or cause to be procured as many boxes (hereinafter called ballot boxes) as there are wards or polling subdivisions within the municipality.

How made.

(2) The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot paper can be introduced therein, and cannot be withdrawn therefrom unless the box be unlocked.

(3) When it becomes necessary for the purposes of an election to use the ballot boxes, it shall be the duty of the clerk of the municipality, two days at least before the polling day, to deliver one of the ballot boxes to every deputy-returning officer appointed for the purposes of the election.

Delivery of to deputy returning officers.

(4) The ballot boxes, when returned to the clerk after the election, shall be preserved by him for use at elections for the municipality; and it shall be the duty of the clerk to have ready for use, at all times, as many ballot boxes as there are wards or polling subdivisions in the municipality.

Clerk to preserve boxes for future elections.

(5) If the clerk fails to furnish ballot boxes in the manner herein provided, he shall incur a penalty of \$100 in respect of every ballot box which he has failed to furnish in the manner prescribed.

Penalty on failure to furnish boxes.

(6) It shall be the duty of the deputy-returning officer in every ward or polling subdivision not supplied with a ballot box within the time prescribed, forthwith to procure one to be made, and he may issue his order upon the treasurer of the municipality in which such ward or polling subdivision is situate for the cost of the ballot box, and the treasurer shall pay to the deputy-returning officer the amount of the order.

Deputy returning officers to procure boxes when not supplied.

46 V. c. 18, s. 119.

Ballot Papers.

121.—(1) Where a poll is required, the clerk of the municipality shall forthwith cause to be printed, at the expense of the municipality, such a number of ballot papers as will be sufficient for the purposes of the election.

Ballot papers to be printed.

(2) Every ballot paper shall contain the names of the duly nominated candidates, arranged alphabetically in the order of their surnames; or if there are two or more candidates with the same surname, then in the order of their other names. 46 V. c. 18, s. 120.

Contents and form of ballot papers.

122.—(1) The names of the candidates for mayor in cities, and for mayor, reeve and deputy-reeves in towns, shall not be included in the same ballot paper with the names of the candidates for aldermen and councillors respectively; but

Different sets of ballot papers to be prepared.

(2) In cities one kind or set of ballot papers shall be prepared for all the wards or polling subdivisions, containing the names of the candidates for mayor, and another kind or set shall be prepared for each ward or polling subdivision containing the names of the candidates for aldermen in the ward; and

In cities.

(3) In towns one kind or set of ballot papers shall be prepared for all the wards or polling subdivisions, containing the names of the candidates for mayor and reeve and deputy-reeve, and another kind or set shall be prepared for each ward or polling subdivision, containing the names of the candidates for councillors in the ward; and

In towns:

In townships
divided into
wards.

(4) In townships divided into wards, one kind or set of ballot papers shall be prepared for all the wards, containing the names of the candidates for reeve, and another kind or set shall be prepared for each ward, containing the names of the candidates for councillors in the ward. 46 V. c. 18, s. 121.

Form of ball-
ot papers.

123. The ballot papers shall be in the form of Schedule A to this Act. 46 V. c. 18, s. 122.

Polling Places.

Clerk to fur-
nish deputy-
returning
officers with
ballot papers,
etc.

124. In case of municipalities which are divided into wards or polling subdivisions, the clerk of the municipality shall, before the opening of the poll, deliver or cause to be delivered to every deputy-returning officer the ballot papers which have been prepared for use in the ward or polling subdivision for which such deputy-returning officer has been appointed to act, and shall also furnish to the deputy-returning officer or see that he is furnished with the necessary materials for voters to mark the ballot papers; and such materials shall be kept at the polling place by the deputy-returning officer for the convenient use of voters. 46 V. c. 18, s. 123.

Compartment
wherein voters
may mark
votes.

125. Every polling place shall be furnished with a compartment in which the voters can mark their votes screened from observation; and it shall be the duty of the clerk of the municipality and deputy-returning officers respectively, to see that a proper compartment for that purpose is provided at each polling place. 46 V. c. 18, s. 124.

Directions to Voters.

Clerk to fur-
nish deputy-
returning
officer with
directions for
voters guid-
ance.

126. In case of municipalities divided into wards or polling subdivisions, the clerk of the municipality shall, before the opening of the poll, deliver or cause to be delivered to every deputy-returning officer such number of printed directions for the guidance of voters in voting, as he may deem sufficient, and shall so deliver or cause to be so delivered at least ten copies of such printed directions; such directions shall be printed in conspicuous characters, and may be accorded to the form in Schedule B to this Act. 46 V. c. 18, s. 125.

Deputy re-
turning of-
ficers to
placard the
directions.

127. Every deputy-returning officer shall, before the opening of the poll, or immediately after he has received the printed directions from the clerk of the municipality, if he did not receive the same before the opening of the poll, cause the printed directions to be placarded outside the polling place for which he is appointed to act, and also in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. 46 V. c. 18, s. 126.

Voters' and Defaulters' Lists.

128. Subject to the provisions of the next following three sections the proper list of voters to be used at an election shall be the first and second parts of the last list of voters certified by the Judge and delivered or transmitted to the clerk of the peace under *The Voters' Lists Act*. 46 V. c. 18, s. 127.

Proper voters' list to be used at an election.

Rev. Stat. c. 8.

129. For the first election of a new municipality for which there is no separate assessment roll, the clerk of the municipality shall provide every deputy-returning officer with a poll book, prepared according to the form of Schedule C to this Act, instead of a voters' list, and either the deputy-returning officer or his sworn poll clerk shall therein enter, in the proper column, the name of every person offering to vote, and at the request of any candidate or voter, shall note the property on which the person claims to vote opposite his name. 46 V. c. 18, s. 128.

For first election in new municipality.

130.—(1) Where any territory is added for municipal purposes, to any city, town, or village, or where a town with additional territory is erected into a city, or a village with additional territory is erected into a town, or where a new village is formed, and an election takes place before voters' lists including the names of the persons entitled to vote in such territory are made out, or before such lists are certified by the County Judge—in all such cases, the clerk of the new or enlarged city, town, or village shall extract the names of the several persons who would be entitled to vote in the territory composing or added to (as the case may be) the city, town, or village if such territory had remained separate from the city, town, or village, from the last filed or certified voters' list of the municipality or municipalities to which such territory formerly belonged, containing the names of the persons entitled to vote in respect of such territory, and shall place such names in lists or supplementary lists (as the case may be).

Voters' lists in cases under section 84.

(2) Such lists or supplementary lists shall be made in the form of Schedule C to this Act, and shall be signed by the clerk, and delivered by him to the proper deputy-returning officers for the purpose of enabling the persons named in such lists to vote at the election. 46 V. c. 18, s. 129.

Form of supplementary lists.

131.—(1) In any municipality for which there is a separate assessment roll, but for which no voters' list for the municipality has been filed with the clerk of the peace or certified by the County Judge under *The Voters' Lists Act*, the clerk of the municipality shall, before the poll is opened, prepare and deliver to the deputy-returning officer for every or any ward or polling subdivision, a list in the form of Schedule C to this Act, containing the names, arranged alphabetically, of all male persons appearing by the then last revised assessment

List of Voters.

Rev. Stat. c. 8.

roll to be entitled to vote in that ward or polling subdivision, and shall attest the said list by his solemn declaration in writing under his hand.

(2) In the case of—

(a) Income voters, and

(b) Persons assessed for real property, if the municipality has passed a by-law under sub-section 2 of section 489 of this Act,

Persons in arrears for taxes shall be excluded from list.

the clerk shall exclude from the list such persons as may be returned to him by the treasurer or collector as being in default for not having paid their municipal taxes respectively on or before the 14th day of December preceding the election: and every list of voters so prepared shall be the proper voters' list to be used at the election. 46 V. c. 18, s. 130.

Delivery of copies of voters' list and defaulters' list to deputy returning officers.

132. In the case of municipalities which are divided into wards or polling subdivisions, the clerk of the municipality shall, before the poll is opened, deliver to the deputy-returning officer for every ward or polling subdivision, a copy, according to the form of Schedule C to this Act, certified to be correct, of the proper list of voters for the ward or polling subdivision under section 128 and following sections: and also a copy of the proper defaulters' list for the polling subdivision, certified by the treasurer or collector pursuant to section 119 of this Act. 46 V. c. 18, s. 131.

Copies may be prepared by clerk of municipality or procured from clerk of peace.

Rev. Stat. c. 8.

133. The copies of the voters' lists in the next preceding section mentioned, may be prepared by the clerk of the municipality, or may be procured from the clerk of the peace, if filed under *The Voters' Lists Act*, and in the latter case the clerk of the peace shall be entitled to receive the sum of six cents for every ten voters whose names are on the list. 46 V. c. 18, s. 132.

Defaulters' list to be evidence for deputy returning officer as to payment of taxes.

134. The defaulters' lists furnished and verified by the treasurer or collector as aforesaid, shall be the evidence on which the deputy-returning officers shall act in ascertaining the payment or non-payment of taxes by persons claiming to vote in respect of income, or in respect of real property, in the cases mentioned in section 119 of this Act. 46 V. c. 18, s. 133.

Certificates as to the Assessment Roll.

Clerk to give certificate of dates of return and final revision of assessment roll.

135.—1 The clerk of the municipality shall, before the opening of the poll, deliver or cause to be delivered to every deputy-returning officer a certificate (which may be in the form of Schedule D to this Act), of (a) the day when the assessment roll upon which the voters' list to be used at the election is based, was returned by the assessor, and also (b) of the day when the said assessment roll was finally revised and corrected.

(2) The clerk shall also give such certificate upon payment of the sum of twenty-five cents, to any person applying for the same, under a penalty of \$200 in case of neglect or refusal.

Fee for certificate.
Penalty for neglect.

(3) The certificate, when delivered to the deputy-returning officer, shall be the evidence upon which he shall act in inserting in the oath to be administered to voters the date of the return or final revision and correction of the assessment roll as the case may be.

To be evidence of such date at the poll.

(4) An assessment roll shall be understood to be finally revised and corrected when it has been so revised and corrected by the court of revision for the municipality, or by the Judge of the County Court in case of an appeal, as provided by *The Assessment Act*, or when the time during which such appeal may be made has elapsed, and not before. 46 V. c. 18, s. 134.

When assessment roll to be considered as finally revised and corrected.
Rev. Stat. c. 193.

Municipalities not divided into Wards.

136. In case of municipalities which are not divided into wards or polling subdivisions, the clerk shall perform the duties which in other cases are performed by deputy-returning officers, and shall provide himself with the necessary ballot papers, and also with the materials for marking ballot papers, printed directions before mentioned, copies of the voters' list and defaulters' list, and certificate of the dates of the return and final revision of the assessment roll, similar to those required to be furnished to deputy-returning officers; and the clerk shall perform the like duties with respect to the whole municipality as are imposed upon a deputy returning officer in respect of a ward or polling subdivision. 46 V. c. 18, s. 135.

In Municipalities not divided into wards or polling subdivisions, clerk to perform duties of deputy returning officers

Where electors may vote.

137. In towns and cities, every elector may vote in each ward in which he has been rated for the necessary property qualification, but in case of mayor of cities, mayor, reeve or deputy reeve of towns, the elector is limited to one vote. 46 V. c. 18, s. 136.

Voting in towns and cities.

138. In townships and incorporated villages divided into wards or polling subdivisions, no elector shall vote in more than one ward or polling subdivision for the same candidate. 46 V. c. 18, s. 137.

Voting in townships and villages.

139. Every elector who is entitled to a vote in more than one ward or polling subdivision shall vote for mayor in cities, and for mayor, reeve, and deputy-reeve in towns, and for reeve in townships divided into wards, at the polling place of the ward or polling subdivision in which he is resident, if qualified to vote therein; or when he is a non-resident or is not

Where persons are to vote for mayor, reeve, and deputy reeve.

entitled to vote in the ward or polling subdivision where he resides, then where he first votes and there only. 46 V. c. 18, s. 138; 50 V. c. 29, s. 5.

Penalty for voting twice for mayor, reeve or deputy reeve.

140.—(1) Any person who votes for mayor, reeve, or in towns or townships for deputy-reeve, after having already voted for mayor, reeve, or deputy-reeve at some other polling place at that election, shall incur a penalty of \$50, to be recovered, with full costs of suit, by any person who will sue for the same in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment is rendered shall be ineligible either as a candidate or elector at the next annual elections. 46 V. c. 18, s. 139.

(2) The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted. 50 V. c. 29, s. 6.

Certificate to entitle deputy returning officers, poll clerks, and agents to vote where stationed.

141.—(1) The clerk of the municipality, on the request of any elector, entitled to vote at one of the polling places, who has been appointed deputy-returning officer or poll clerk, or who has been named as an agent of a candidate to attend at any polling place other than the one where he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during the polling day; and the certificate shall also state the property or other qualification in respect of which he is entitled to vote.

Right to vote on production of certificate.

(2) On the production of the certificate, the deputy-returning officer, poll clerk, or agent shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling station where he would otherwise have been entitled to vote; and the deputy-returning officer shall attach the certificate to the voters' list; but no such certificate shall entitle such elector to vote at such polling place unless he has been actually engaged as such deputy-returning officer, poll clerk, or agent during the day of polling; nor to vote for aldermen in cities, or councillors in municipalities divided into wards, except in the ward where he would otherwise be entitled so to vote.

Who to administer oath.

(3) In case of a deputy-returning officer voting at the polling station where he has been appointed, the poll clerk appointed to act at the polling place, or in the absence of the poll clerk any elector authorized to be present, may administer to the deputy-returning officer the oath required by law to be taken by voters. 46 V. c. 18, s. 140.

DIVISION V.—THE POLL.

Ballot box to be exhibited. Sec. 142.

Duty of Deputy Returning-Officer. Secs. 142-145, 155.

How votes to be received. Secs. 143-145.

How ballot paper to be marked. Sec. 146.

Exclusion from balloting compartment. Sec. 147.

Ballot papers not to be taken away. Sec. 148.

Proceedings in case of incapacity to mark ballot. Sec. 149.

Ballot paper inadvertently spoiled. Sec. 150.

Who may be present in polling place. Sec. 151.

Counting the votes—Objections—Statement. Sec. 152.

Who may be present at the counting of the votes. Sec. 153.

Certificates of state of poll. Sec. 154.

Returns, etc., to be made by Deputy-Returning Officers. Sec. 155.

Clerk to cast up votes and declare who is elected. Secs. 156, 160.

Right of Clerk, Deputy-Returning Officers and Poll Clerks to vote. Sec. 157.

Riots. Secs. 158, 159.

Declarations of Office to be made by persons elected. Sec. 161.

142. The deputy-returning officer shall, immediately before the commencement of the poll, shew the ballot box to such persons as are present in the polling place, so that they may see that it is empty, and he shall then lock the box and place his seal upon it in such manner as to prevent its being opened without breaking the seal; and he shall then place the box in his view for the receipt of ballot papers, and shall keep it so locked and sealed. 46 V. c. 18, s. 141.

Deputy returning officer to shew box empty to persons present and then lock and seal it

143. Where a person claiming to be entitled to vote presents himself for the purpose of voting, the deputy-returning officer shall proceed as follows:

Proceedings by deputy returning officer on tender of vote.

1. He shall ascertain that the name of such person is entered or purports to be entered upon the voters' list for the ward or polling subdivision for which such deputy-returning officer is appointed to act.

Name

2. He shall record or cause to be recorded in the proper column of the voters' list, the residence and the legal addition of such person.

Recording.

3. If such person takes the oath or affirmation required to be taken by voters in the manner directed by sections 102 to 105 inclusive of this Act, the deputy-returning officer shall enter or cause to be entered opposite such person's name, in the proper column of the said voters' list, the word "*Sworn*," or "*Affirmed*," according to the fact.

Oath

4. Where the vote is objected to by any candidate or his agent, the deputy-returning officer shall enter the objection,

Objection.

or cause the same to be entered in the voters' list, by writing opposite the name of such person in the proper column, the words "*Objected to*," stating, at the same time, by which candidate or on behalf of which candidate the objection has been made, by adding after the words "*Objected to*," the name only of such candidate.

Refusal to
take the oath.

5. Where such person has been required to take the oath or affirmation, and refuses to take the same, the deputy-returning officer shall enter or cause to be entered opposite the name of such person, in the proper column of the voters' list, the words "*Refused to be Sworn*," or "*Refused to Affirm*," according to the fact; and the vote of such person shall not be taken or received; and if the deputy-returning officer takes or receives such vote, or causes the same to be taken or received, he shall incur a penalty of \$200.

Deputy re-
turning officer
to sign name
on ballot
paper.

6. Where the proper entries respecting the person so claiming to vote have been made in the voters' list in the manner prescribed, the deputy-returning officer shall sign his name or initials upon the back of the ballot paper.

Delivery of
paper to voter.
Deputy re-
turning officer
to explain
mode of
voting.

7. The ballot paper shall be delivered to such person.

8. The deputy-returning officer may, and upon request shall, either personally or through his sworn poll clerk, explain to the voter, as concisely as possible, the mode of voting. 46 V. c. 18, s. 142.

Deputy re-
turning officer
refusing, etc.,
to initial
ballot paper.

144. Every deputy-returning officer refusing, or wilfully omitting to sign his name or initials upon the back of the ballot paper, as provided for by sub-section 6 of section 143 of this Act, shall forfeit to any person aggrieved by such refusal, or omission, the sum of \$10, in respect of every ballot paper deposited at his polling subdivision, upon which the said deputy-returning officer has not signed his name or initials as aforesaid; and the same may be recovered in the manner provided for the recovery of penalties by section 214 of this Act. 46 V. c. 18, s. 143.

Deputy re-
turning officer
to note in list
voters to whom
ballot papers
given.

145. The deputy-returning officer shall place, or cause to be placed, in the columns of the voters' list, headed "*Mayor*," "*Reeve*," (or "*Mayor and Reeve*"), "*Alderman*," and "*Councillor*," as the case may be, his initials opposite the name of every voter receiving a ballot paper, to denote that the voter has received a ballot paper for mayor, reeve, alderman, or councillor as the case may be. 46 V. c. 18, s. 144.

Marking
ballot paper.

146. Upon receiving from the deputy-returning officer the ballot paper so prepared as aforesaid, the person receiving the same shall forthwith proceed into the compartment provided for the purpose, and shall then and therein mark his ballot paper in the manner mentioned in the directions contained in Schedule B to this Act, by placing a cross, thus X, on the right-hand

side, oppsite the name of any candidate for whom he desires to vote, or at any other place within the division which contains the name of such candidate, and he shall then fold the ballot paper across, so as to conceal the names of the candidates, and the marks upon the face of such paper, and so as to expose the initials of the deputy-returning officer, and leaving the compartment, shall, without delay, and without shewing the front to any one or so displaying the ballot paper as to make known to any person the names of the candidates for or against whom he has marked his vote, deliver the ballot paper so folded to the deputy-returning officer, who shall, without unfolding the same, or in any way disclosing the names of the candidates, or the marks made by such elector, verify his own initials, and at once deposit the same in the ballot box in the presence of all persons entitled to be present and then present in the polling place; and the voter shall forthwith leave the polling place. 46 V. c. 18, s. 145.

147. While a voter is in a balloting compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or to be in any position from which he can observe the mode in which the voter marks his ballot paper. 46 V. c. 18, s. 146.

Exclusion
from balloting
compartment.

148. No person who has received a ballot paper from the deputy-returning officer shall take the same out of the polling place; and any person having so received a ballot paper, who leaves the polling place without first delivering the same to the deputy-returning officer in the manner prescribed, shall thereby forfeit his right to vote; and the deputy-returning officer shall make an entry in the voters' list, in the column for remarks, to the effect that such person received a ballot paper, but took the same out of the polling place, or returned the same declining to vote, as the case may be; and in the latter case the deputy-returning officer shall immediately write the word "*Declined*" upon such ballot paper, and shall preserve the same; and in case the clerk of the municipality is not himself performing the duties of deputy-returning officer, the deputy-returning officer shall return said ballot paper to the clerk of the municipality, as hereinafter directed. 46 V. c. 18, s. 147.

Voter not to
take his ballot
paper from
polling place.

149. In case of an application by a person claiming to be entitled to vote, who is incapacitated by blindness or other physical cause from marking his ballot paper, or in case of a person claiming to be entitled to vote who makes a declaration that he is unable to read, the proceedings shall be as follows:

Proceedings in
case of incapacity to mark
a ballot paper.

1. The deputy-returning officer shall, in the presence of the agents of the candidates, cause the vote of such person to be marked on a ballot paper in manner directed by such person, and shall place the ballot paper in the ballot box.

2. The deputy-returning officer shall state or cause to be stated in the voters' list, by an entry opposite the name of such person in the proper column of the voters' list, that the vote of such person is marked in pursuance of this section, and the reason why it is so marked.

3. The declaration of inability to read, or of incapacity to mark a ballot paper, may be in the form of Schedule E to this Act, and shall be made by the person claiming to be entitled to vote, at the time of the polling, before the deputy-returning officer, who shall attest the same as nearly as may be according to the form given in Schedule F to this Act, and the said declaration shall be given to the deputy-returning officer at the time of voting. 46 V. c. 18, s. 148.

Proceedings in case ballot paper cannot be used

150. A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the deputy-returning officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the deputy-returning officer, obtain another ballot paper in the place of the ballot paper so delivered up, and the deputy-returning officer shall immediately write the word "*Cancelled*" upon the ballot paper, and preserve the same; and in case the clerk of the municipality is not himself performing the duties of deputy-returning officer, the deputy returning officer shall return the ballot paper to the clerk of the municipality as hereinafter directed. 46 V. c. 18, s. 149.

Who may be present at polling place.

151. During the time appointed for polling no person shall be entitled or permitted to be present in a polling place, other than the officers, candidates, clerks, or agents, authorized to attend at the polling place, and such voter as is for the time being actually engaged in voting; it shall at all times be lawful for the deputy-returning officer to have present or to summon to his assistance in the polling place, any police constable or peace officer, for the purpose of maintaining order, or of preserving the public peace, or preventing any breach thereof, or of removing any person who may, in the opinion of the deputy-returning officer, be obstructing the polling or wilfully violating any of the provisions of this Act. 46 V. c. 18, s. 150.

Counting the votes.

152. Immediately after the close of the poll in every polling place, the deputy-returning officer shall, in the presence of the poll clerk (if any) and of such of the candidates or of their agents as may then be present, open the ballot box, and proceed to count the votes as follows :

Rejected ballots.

1. He shall examine the ballot papers, and any ballot paper which has not on its back the name or initials of the deputy-returning officer, or on which more votes are given than the elector is entitled to give, or on which anything, except the

initials or name of the deputy-returning officer on the back, is written or marked, by which the voter can be identified, shall be void, and shall not be counted; and any ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for, shall be void as regards all the candidates for such office, but shall be good as regards the votes for any other offices in respect to which the voter has not voted for more candidates than he is entitled to vote for.

2. The deputy-returning officer shall take a note of any objection made by a candidate, his agent or any elector authorized to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection.

Deputy returning officer to note objections taken to ballot papers at the counting, and number objection and ballot paper to correspond.

3. Every objection shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the deputy-returning officer.

4. The deputy-returning officer shall endorse "*Rejected*" on any ballot paper which he rejects as invalid, and shall endorse "*Rejection objected to*," if any objection is made to his decision.

Endorsing ballot paper.

5. The deputy-returning officer shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him which shall be made under the several heads—

Statement.

- (a) Name or number of ward or polling subdivision and of the municipality and the date of election;
- (b) Number of votes for each candidate;
- (c) Rejected ballot papers.

6. Upon the completion of the written statement, it shall be forthwith signed by the deputy-returning officer, the poll clerk, if any, and such of the candidates or their agents as may be present, and desire to sign such statement. 46 V. c. 18, s. 151.

Statement to be signed.

153. No more than two agents for any candidate shall be entitled to be present at the same time at the counting of the votes. 46 V. c. 18, s. 152.

Agents entitled to be present.

154. Every deputy-returning officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place, a certificate of the number of votes given at that polling place, for each candidate, and of the number of rejected ballot papers. 46 V. c. 18, s. 153.

Deputy returning officer to give certificate of state of poll.

155.—(1) Every deputy-returning officer shall, at the close of the poll, certify under his signature on the voters' list in full words the total number of persons who have voted at the

Deputy returning officer's duties after votes are counted.

polling place at which he has been appointed to preside, and at the completion of the counting of votes after the close of the poll, shall, in the presence of the agents of the candidates, make up into separate packets, sealed with his own seal, and the seals of such agents of the candidate as desire to fix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the election, the name of the deputy-returning officer, and of the ward or polling subdivision and municipality,

- (a) The statement of votes given for each candidate and of the rejected ballot papers ;
- (b) The used ballot papers which have not been objected to and have been counted ;
- (c) The ballot papers which have been objected to, but which have been counted by the deputy-returning officer ;
- (d) The rejected ballot papers ;
- (e) The spoiled ballot papers ;
- (f) The unused ballot papers ;
- (g) A statement of the number of voters whose votes are marked by the deputy-returning officer under the heads "Physical incapacity," and "Unable to read," with the declarations of inability ; and the notes taken of objections made to ballot papers found in the ballot-box.

Declaration
by deputy re-
turning officer
as to use of
voters' list.

(2) Before returning the voters' list to the clerk of the municipality the deputy-returning officer shall make and subscribe before such clerk, or a Justice of the Peace or the poll clerk, his declaration under oath that the voters' list was used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made ; which declaration shall be in form of Schedule G to this Act, and shall thereafter be annexed to the voters' list, and such voters' list and declaration may be inspected at any time, in presence of the clerk, by any elector of the municipality.

Packets of
ballot papers
etc., to be de-
livered to the
clerk of muni-
cipality.

(3) If the clerk of the municipality is not himself performing the duties of deputy-returning officer, the deputy-returning officer shall forthwith deliver such packets personally to the clerk of the municipality ; and if he is unable to do so, owing to illness or other cause, he shall deliver such packets to a person chosen by him for the purpose of delivering the same to the clerk ; and shall mention on the outside of the cover of each of the packets the name of the person to whom the same had been so delivered, and shall take a proper receipt therefor ; he shall also forthwith return the ballot box to the clerk of the municipality.

(4) The packets shall be accompanied by a statement made by the deputy-returning officer, shewing the number of ballot papers entrusted to him, and accounting for them under the heads of (1) Counted; (2) Rejected; (3) Unused; (4) Spoiled; (5) Ballot papers given to voters who afterwards returned the same, declining to vote; and (6) Ballot papers taken from the polling place; which statement shall give the number of papers under each head, and is in this Act referred to as the "Ballot Paper Account."

Statement to be made by deputy returning officer on return of ballot papers, etc.

(5) If the deputy-returning officer and one or more of the candidates or of the agents of the candidates present at the examination and counting of the ballot papers are unable to agree as to the written statement to be made by the deputy-returning officer the packages of ballot papers shall be broken open by the clerk of the municipality, in the presence of the deputy-returning officer and such of the candidates or of their agents as may be present on the day succeeding the polling day, at an hour and place to be appointed, and of which they have been notified by the deputy-returning officer, unless the distance necessary to be travelled is such that the appointed place cannot be reached on the day following the poll, in which case a reasonable time shall be allowed, and no more, for the purpose of coming before the clerk of the municipality; and the clerk of the municipality, after examining the ballot papers, shall finally determine the matter in dispute, and sign the written statement hereinbefore mentioned: and the clerk of the municipality shall forthwith, in the presence of the deputy-returning officer and such of the candidates or of their agents as may then be present, securely seal up the ballot papers which have been examined by him into their several packages as before. 46 V. c. 18, s. 154.

If dispute as to result arises how to be settled.

156. The clerk of the municipality, after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall, without opening any of the sealed packets of ballot papers, cast up the number of votes for each candidate from such statements; and shall, at the town hall, or, if there is no town hall, at some other public place, at noon on the day following the return of such ballot papers and statements, publicly declare to be elected the candidate or candidates having the highest number of votes, and shall also put up in some conspicuous place a statement under his hand shewing the number of votes for each candidate. 46 V. c. 18, s. 155.

Clerk to cast up votes and declare who is elected, etc.

157.—(1) In case it appears, upon the casting up of the votes as aforesaid, that two or more candidates have an equal number of votes, the clerk of the municipality, or other person appointed by by-law to discharge his duties of clerk in his absence or incapacity through illness, and whether otherwise qualified or

In case of a tie clerk to have a casting vote:

not, shall, at the time he declares the result of the poll, give a vote for one or more of such candidates, so as to decide the election.

but otherwise
not to vote.

(2) Except in such case, no clerk of the municipality shall vote at any municipal election held in his municipality. *See sec. 319.*

Deputy
returning
officers, etc.,
may vote if
qualified.

(3) All deputy-returning officers and persons employed as deputy-returning officers and poll clerks, if otherwise qualified, shall be entitled to vote. 46 V. c. 18, s. 156.

Election not
commenced, or
interrupted by
reason of riot,
etc., to be re-
sumed.

158. In case, by reason of riot or other emergency, an election is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the returning officer, or deputy-returning officer, as the case may be, shall hold or resume the election on the following day at the hour of ten o'clock in the forenoon, and continue the same from day to day, if necessary, for four days, until the poll has been opened without interruption, and with free access to voters for twelve hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote. 46 V. c. 18, s. 157.

If election is
prevented for
four days, poll
book is to be
returned, and
a new election
ordered.

159. In case the election has not, by the end of the fourth day from the day the same commenced or should have commenced, been kept open for the said twelve hours, the returning officer, or deputy-returning officer, as the case may be, shall not return any person as elected, but shall return his voters' list and ballot papers on the following day to the head of the municipality, certifying the cause of there not having been an election; and a new election shall take place, and the head of the municipality shall forthwith issue his warrant therefor. 46 V. c. 18, s. 158. *See also sec. 181.*

Declaration of
election—duty
of the Clerk.

160. When a poll has been duly held in each of such wards or polling subdivisions, and the ballot papers and statements hereby directed to be returned to the clerk have been so returned to him, the clerk shall, without opening any of the sealed packets of ballot papers, cast up from said statements the number of votes given for each candidate for any office in respect whereof the election has not been previously declared, together with the votes appearing by the statements previously returned for other wards to be given for the candidate, and shall at noon on the next day, at the town hall, or if there is no town hall, at some other public place, publicly declare to be elected the candidate or candidates having the largest number of votes polled. 46 V. c. 18, s. 159.

Declaration
and assump-
tion of office.

161. The person or persons so elected shall make the necessary declarations of office and qualification and assume office accordingly. 46 V. c. 18, s. 160.

DIVISION VI.—MISCELLANEOUS PROVISIONS.

Disposition of Ballot Papers. Sec. 162.

Inspection of Ballot Papers. Sec. 163.

Recount of Votes. Secs. 163-165.

Production of documents, how far evidence, etc. Sec. 166.

Offences and Penalties. Secs. 167, 168.

Secrecy of proceedings at polling places. Secs. 169-171.

Candidates may do Agents' duty. Sec. 172.

Non-attendance of Agents. Sec. 173.

Computation of time. Sec. 174.

Technical objections not to prevail. Sec. 175.

Expenses of Clerk of Municipality, etc. Sec. 176.

162. The clerk of the municipality shall retain for one month all ballot papers received by him or forwarded to him in pursuance of this Act by deputy-returning officers, and then, unless otherwise directed by an order of a Court or Judge of competent jurisdiction, shall cause them to be destroyed in the presence of two witnesses, whose declaration that they have witnessed the destruction of such papers shall be taken before the head of the municipality, and filed amongst the records of the municipality by the said clerk. 46 V. c. 18, s. 161.

163.—(1) No person shall be allowed to inspect any ballot papers in the custody of the clerk of the municipality except under the order of a Court or Judge of competent jurisdiction, to be granted by the Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return: and any such order for the inspection or production of ballot papers shall be obeyed by the clerk of the municipality.

(2) The order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the Court or Judge making the order thinks expedient.

(3) In case it is made to appear, on the affidavit of a credible person, to the County Judge of the county in which the municipality is situated, at any time within fourteen days from the time the ballot papers are received by the clerk of the municipality, that a deputy-returning officer at an election in such municipality for mayor, alderman, reeve, deputy-reeve, councillor, or water commissioner, in counting the votes has improperly counted or rejected any ballot papers at such election, the County Judge may appoint a time to re-count the votes, and shall give notice in writing to the candidates of the time and place at which he will proceed to re-count the same.

Deposit by
applicant.

(4) At the time of the application for a re-count, the applicant shall deposit with the clerk of the County Court the sum of \$25 as security for the payment of costs, charges and expenses that may become payable by the applicant, and the said sum shall not be paid out by the clerk without the order of the Judge.

Who may be
present at
re-count.

(5) The County Judge, the clerk of the municipality with the ballot boxes, and each candidate and his agent appointed to attend the re-count of votes, and no other person except with the sanction of the County Judge shall be present at the re-count of the votes.

Opening of
packets.

(6) At the time and place appointed the County Judge shall proceed to re-count all the votes or ballot papers received by the clerk of the municipality, and shall in the presence of the parties aforesaid, if they attend, or in the presence of such of them as do attend, open the sealed packets containing (a) the used ballot papers which have not been objected to and have been counted; (b) the ballot papers which have been objected to, but which have been counted by the deputy returning officer; (c) the rejected ballot papers; (d) the spoiled ballot papers; (e) the unused ballot papers; and in recounting the votes care shall be taken that the mode in which any particular voter has voted shall not be discovered.

The re-count
to be a con-
tinuous pro-
ceeding.

(7) The County Judge shall, as far as practicable, proceed continuously with the re-count of the votes, allowing only time for refreshment, excluding only Sundays and, on other days (except so far as he and the parties aforesaid agree), the hours between six o'clock in the evening and nine on the succeeding morning. During the excluded time the County Judge shall place the ballot papers and other documents relating to the election under his own seal, and the seals of such other of the parties as desire to affix their seals, and shall otherwise take precautions for the security of the papers and documents.

Procedure on
re-count.

(8) The County Judge shall proceed to re-count the vote as follows:

1. He shall examine the ballot papers.

2. Any ballot paper on which votes are given to more candidates than are to be elected, or on which anything except the name or initials of the deputy-returning officer on the back is written or marked by which the voter can be identified, shall be void and shall not be counted, but a ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for shall be void as regards all the candidates for such office, but shall be good as regards the votes for any other offices in respect to which the voter has not voted for more candidates than he is entitled to vote for.

3. The County Judge shall take a note of any objection made by a candidate or by his agent to any ballot paper found in the ballot box, and shall decide any question arising out of the objection, and the decision of the County Judge shall be final.

4. The County Judge shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him, which statement shall be made under the several heads following:

- (a) Name of municipality;
- (b) Names of the candidates;
- (c) Number of votes for each candidate;
- (d) Papers wanting signature or initials of deputy-returning officer;
- (e) Papers rejected as voting for more candidates than entitled to;
- (f) Papers rejected as having a writing or mark by which voters could be identified;
- (g) Papers rejected as unmarked or void for uncertainty.

5. Upon the completion of the re-count, or as soon as he has thus ascertained the result of the poll, the County Judge shall seal up all the ballot papers in separate packets, and shall forthwith certify the result to the clerk of the municipality, who shall then declare to be elected the candidate having the highest number of votes; and in case of an equality of votes, the clerk of the municipality shall have the casting vote as provided in section 157 of this Act. 46 V. c. 18, s. 162.

164. Nothing in the preceding section contained shall destroy or prevent any remedy which any person may now have under or by *quo warranto* or otherwise. 46 V. c. 18, s. 163.

Existing remedies not affected.

165.—(1) All costs, charges and expenses of, and incidental to an application for a re-count and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the Judge may determine, regard being had to the disallowance of any costs, charges or expenses which may in the opinion of the Judge have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the applicant or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

Costs of application.

Taxation of costs.

(2) The costs may be taxed in the same manner, and according to the same principles as costs are taxed between solicitor and client in the County Court.

Recovery of costs.

(3) The payment of any costs ordered to be paid by the Judge may be enforced by an execution against goods and chattels, to be issued from any County Court, upon filing therein the order of the Judge and a certificate shewing the amount at which the costs were taxed and an affidavit of the non-payment thereof. 46 V. c. 18, s. 164.

Production of documents and endorsements on ballot papers evidence for certain purposes.

166. Where a rule or order is made for the production by the clerk of the municipality, of any document in his possession relating to a specified election, the production of the document by the clerk, in such manner as may be directed by the rule or order, shall be conclusive evidence that the document relates to the specified election; and any endorsement appearing on any packet of ballot papers produced by the clerk, shall be evidence of such papers being what they are stated to be by the endorsement. 46 V. c. 18, s. 165.

Offences.

167.—(1) No person shall—

- (a) Without due authority supply any ballot paper to any person; or
- (b) Fraudulently put into any ballot box any paper other than the ballot paper, which he is authorized by law to put in; or
- (c) Fraudulently take out of the polling place any ballot paper; or
- (d) Without due authority destroy, take, open, or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the election.

(2) No person shall attempt to commit any offence specified in this section.

Penalty by imprisonment.

(3) A person guilty of any violation of this section shall be liable, if he is the clerk of the municipality, to imprisonment for any term not exceeding two years, with or without hard labour; and if he is any other person, to imprisonment for a term not exceeding six months, with or without hard labour. 46 V. c. 18, s. 166.

Money penalty for offences.

168. Every officer and clerk who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of sections 119 to 167, inclusive, of this Act, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum of \$400. 46 V. c. 18, s. 167.

169.—(1) Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place. Maintaining secrecy of proceeding at polling places.

(2) No officer, clerk or agent, and no person whosoever shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(4) Every officer, clerk and agent in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given in any particular ballot paper.

(5) No person shall, directly, or indirectly, induce a voter to display his ballot paper after he has marked the same, so as to make known to any person the name of any candidate or candidates for or against whom he has marked his vote.

(6) Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. 46 V. c. 18, s. 168. Penalty for contravening this section.

170. The clerk of the municipality, and every officer, clerk or agent, authorized to attend a polling place or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy in the presence, if he is the clerk of the municipality, of a Justice of the Peace, and if he is any other officer, or clerk, in the presence of a Justice of the Peace or of the clerk of the municipality; and if he is an agent of a candidate, in the presence of a Justice of the Peace or of the clerk of the municipality, or of the deputy-returning officer at whose polling place he is appointed agent; and such statutory declaration of secrecy shall be in the form mentioned in Schedule H to this Act, or to the like effect. 46 V. c. 18, s. 169. Statutory declaration of secrecy.

171. No person who has voted at an election shall in any legal proceeding to question the election or return, be required to state for whom he has voted. 46 V. c. 18, s. 170. No one compellable to disclose his vote.

172. A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be Candidates may undertake duties of an agent.

present at any place at which his agent may in pursuance of this Act be authorized to attend, but no candidate shall be present at the marking of a ballot by an incapacitated voter, or a voter unable to read, under section 149. 46 V. c. 18, s. 171.

Expressions in ss. 119-172, referring to agents.

173. When in the sections of this Act numbered from 119 to 172 inclusive expressions are used, requiring or authorizing any act or thing to be done, or inferring that any act or thing is to be done in the presence of the agents of the candidate, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have in fact attended, at the time and place where such act or thing is being done; and the non-attendance of any agent at such time and place shall not, if the act or thing is otherwise duly done, invalidate in anywise the act or thing done. 46 V. c. 18, s. 172.

Non-attendance of agents.

Public holidays, etc., excluded in reckoning time under ss. 119-172, except for nomination and election of mayors, etc.

174. In reckoning time for the purposes of the said sections, Sunday and any day set apart by any act of lawful authority for a public holiday, fast or thanksgiving shall be excluded; and where anything is required by this Act to be done on a day which falls on such days, such things may be done on the next juridical day; but nothing in this section contained shall extend or apply to the days fixed by this Act for the nomination or election of candidates for the offices of mayor and aldermen in cities, and mayor, reeve, deputy-reeves and councillors in other municipalities. 46 V. c. 18, s. 173.

No election to be invalid for want of compliance with principles of Act where result not affected.

175. No election shall be declared invalid by reason of a non-compliance with the rules contained in this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of the forms contained in the schedules to this Act, or by reason of any irregularity, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake or irregularity did not affect the result of the election. 46 V. c. 18, s. 174.

Expenses incurred by officers to be refunded.

176. The reasonable expenses incurred by the clerk of the municipality and by the other officers and clerks for printing, providing ballot boxes, ballot papers, materials for marking ballot papers, polling compartments, transmission of the packets required to be transmitted by this Act, and reasonable fees and allowances for services rendered under this Act, shall be paid to the clerk of the municipality by the treasurer of the municipality, and shall be distributed by the clerk of the municipality to the several persons entitled thereto. 46 V. c. 18, s. 175.

DIVISION VII.—VACANCIES IN COUNCIL.

By Crime, Insolvency, or Absence. Sec. 177.

Quo Warranto proceedings. Sec. 178.

By Resignation. Secs. 179, 180.

How filled—New Elections. Secs. 180-182, 185.

Seat held for residue of term. Sec. 183.

Not to prevent organization of Council. Sec. 184.

In certain cases Council to fill. Sec. 186.

177. If after the election of a person as member of a council he is convicted of felony or infamous crime, or becomes insolvent within the meaning of the Insolvent Acts, or applies for relief as an indigent debtor, or remains in close custody, or assigns his property for the use of his creditors, or absents himself from the meetings of the council for three months without being authorized so to do by a resolution of the council entered in its minutes, his seat in the council shall thereby become vacant, and the council shall declare the seat vacant and order a new election. 46 V. c. 18, s. 176.

Seats to become vacant by crime, insolvency, absence, etc.

178. In the event of a member of a municipal council forfeiting his seat at the council or his right thereto, or of his becoming disqualified to hold his seat, or of his seat becoming vacant by disqualification or otherwise, he shall forthwith vacate his seat, and in the event of his omitting to do so at any time after his election, proceedings by *quo warranto* to unseat such member, as provided by sections 187 to 208, both inclusive, of this Act, may be had and taken, and such sections shall, for the purposes of such proceedings, apply to any such forfeiture, disqualification or vacancy. 46 V. c. 18, s. 177.

Quo warranto proceedings on omitting to vacate seat.

179. Any mayor or other member of a council may, with the consent of the majority of the members present, to be entered on the minutes of the council, resign his seat in the council. 46 V. c. 18, s. 178.

Any member may resign with consent of majority of council.

180. The warden of a county may resign his office by verbal intimation to the council while in session, or by letter to the county clerk if not in session, in which cases, and in case of vacancy by death or otherwise, the clerk shall notify all the members of the council, and shall, if required by a majority of the members of the county council, call a special meeting to fill such vacancy. 46 V. c. 18, s. 179.

Resignation of warden provided for.

Vacancies, how filled.

181. In case no return is made for one or more wards or polling subdivisions, in consequence of non-election owing to interruption by riot or other cause, or in case a person elected to a council neglects or refuses to accept office, or to make the necessary declarations of office within the time required, or in case a vacancy occurs in the council caused by resignation, death, judicial decision or otherwise, the head of the council

New election provided for, and mode of conducting same.

for the time being, or in case of his absence, or of his office being vacant, the clerk, or in case of the like absence or vacancy in the office of the clerk, one of the members of the council, shall forthwith, by warrant, under the signature of such head, clerk or member, if procurable, require the returning officers and deputy-returning officers appointed to hold the last election for the municipality, ward and polling subdivision respectively, or any other persons duly appointed to those offices, to hold a new election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy. 46 V. c. 18, s. 180.

Election of
Mayor on
vacancy after
1st Dec.

182. In case the office of mayor of a city or town becomes vacant after the first day of December in any year, and an election to fill the vacancy has not been ordered by the Court or a Judge, the council may either direct that an election be held to fill the vacancy, or may elect one of their number to fill the office during the residue of the term. 48 V. c. 39, s. 6.

Seal to be held
for residue of
term.

183. The person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is to be filled. 46 V. c. 18, s. 181.

Warrant for
new election :

184. In case such non-election, neglect or refusal as aforesaid, occurs previous to the organization of the council for the year, the warrant for the new election shall be issued by the head or a member of the council for the previous year, or by the clerk, in like manner, as provided by section 181, but such neglect or refusal shall not interfere with the immediate organization of the new council, provided a majority are present of the full number of the council. 46 V. c. 18, s. 182.

out neglect
not to prevent
organization of
council.

Time for hold-
ing new elec-
tion.

185. The returning officers and deputy-returning officers shall hold the new election at furthest within fifteen days after receiving the warrant, and the clerk shall appoint a day and place for the nomination of candidates, and the election shall, in respect to notices and other matters, be conducted in the same manner as the annual elections. 48 V. c. 39, s. 7.

Mode of ap-
pointing requi-
site number of
members of
council
neglected, etc.

186. In case, at an annual or other election, the electors, from any cause not provided for by sections 158 or 159, neglect or decline to elect the members of council for a municipality on the day appointed, or to elect the requisite number of members, the new members of the council, if they equal or exceed the half of the council when complete, or a majority of such new members, or if a half of such members are not elected, then the members for the preceding year, or a majority of them,—shall appoint as many qualified persons as will constitute or complete the number of members requisite; and the persons so appointed shall accept office and make the necessary declarations, under the same penalty, in case of refusal or neglect, as if elected. 46 V. c. 18, s. 184.

DIVISION VIII.—CONTROVERTED ELECTIONS.

How validity or right of election determined. Secs. 187-197.

Writ for removal, etc. Sec. 198.

If election of whole Council invalid. Sec. 199.

Disclaimer. Secs. 200-205.

Costs. Secs. 203, 205, 206.

Decision of Judge final—Enforcing Judgment. Sec. 207.

Judges may settle forms and practice. Sec. 208.

187. In case the right of a municipality to a reeve or deputy-reeve or reeves, or in case the validity of the election or appointment of mayor, warden or reeve, or deputy-reeve, alderman, or councillor is contested, the same may be tried by a Judge of the High Court, or the senior or officiating Judge of the County Court of the county in which the election or appointment took place; and when the right of a municipality to a reeve or deputy-reeve or reeves is the matter contested, any municipal elector in the county may be the relator, and when the contest is respecting the validity of any such election as aforesaid, any candidate at the election, or any elector who gave or tendered his vote thereat, or if respecting the validity of any such appointment, any member of the council or any elector of the ward, or, if there is no ward, of the municipality for which the appointment was made, may be the relator for the purpose. 46 V. c. 18, s. 185.

Trial of contested elections a right to elect.

188. If within six weeks after the election, or one month after acceptance of office by the person elected, the relator shews by affidavit to such Judge, reasonable ground for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected thereat was not duly elected, and if the relator enters into a recognizance before the Judge or before a Commissioner for taking affidavits, in the sum of \$200 with two sureties (to be allowed as sufficient by the Judge upon affidavit of justification) in the sum of \$100 each, conditioned to prosecute the writ with effect, or to pay the party against whom the same is brought, any costs which may be adjudged to him against the relator, the Judge shall direct a writ of summons in the nature of a *quo warranto* to be issued to try the matters contested. 46 V. c. 18, s. 186.

Time within which proceedings to be instituted, and security and proof required.

Writ of quo warranto.

189. The Judge of the High Court before whom the writ of summons is returnable, may order the evidence to be used on the hearing of the summons to be taken *viva voce* before the Judge of the County Court, in the presence of counsel for, or after notice to, all the parties interested, and such Judge shall return the evidence to the Registrar at Toronto of the Division from which the writ of summons was issued, and every party shall be entitled to a copy thereof. 46 V. c. 18, s. 187.

Evidence to be used on return of writ may be taken viva voce by leave of Judge.

When the relator claims to be elected.

190. In case the relator alleges that he himself or some other person has been duly elected, the writ shall be to try the validity, both of the election complained of and the alleged election of the relator or other person. 46 V. c. 18, s. 188.

When several elections complained of.

191. In case the grounds of objection apply equally to two or more persons elected, the relator may proceed by one writ against such persons. 46 V. c. 18, s. 189.

Where more writs than one all to be tried by the same judge.

192. Where more writs than one are brought to try the validity of an election, or the right to a reeve or deputy-reeve or reeves as aforesaid all such writs shall be made returnable before the Judge who is to try the first, and the Judge may give one judgment upon all, or a separate judgment upon each one or more of them, as he thinks fit. 46 V. c. 18, s. 190.

Writ, who to issue, and return day thereof.

193. The writ shall be issued by the Clerk of the Process of the said High Court, or by the Local or Deputy Registrar, or Deputy Clerk of the Crown in the county in which the election took place, and shall be returnable before a Judge in Chambers at Toronto, or before the Judge of the County Court at a place named in the writ, upon the eighth day after service, computed exclusively of the day of service, or upon any later day named in the writ. 46 V. c. 18, s. 191.

Service of writ.

194. The writ shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the Judge upon being satisfied thereof, by affidavit or otherwise, may make an order for such substitutional service as he thinks fit. 46 V. c. 18, s. 192.

Returning officer or deputy returning officer may be made a party.

195. The Judge before whom the writ is made returnable or is returned, may, if he thinks proper, order the issue of a writ of summons at any stage of the proceedings to make the returning officer or any deputy-returning officer a party thereto. 46 V. c. 18, s. 193.

The judge may allow certain persons to intervene and defend.

196. The Judge before whom the writ is returned may allow any person entitled to be a relator to intervene and defend, and may grant a reasonable time for the purpose; and an intervening party shall be liable or entitled to costs like any other party to the proceedings. 46 V. c. 18, s. 194.

Judges shall try summarily.

197. The Judge shall, in a summary manner, upon statement and answer, without formal pleadings, hear and determine the validity of the election, or the right to a reeve or deputy-reeve or reeves, and may, by order, cause the assessment rolls, collectors' rolls, list of electors, and any other records of the election to be brought before him, and may inquire into the

Evidence.

facts on affidavit or affirmation, or by oral testimony, or by Trial. issues framed by him, and sent to be tried by jury by writ of trial directed to any Court named by the Judge, or by one or more of these means, as he deems expedient; subject, however, to the provisions of section 212. 46 V. c. 18, s. 195.

198. In case the election complained of is adjudged invalid, the Judge shall forthwith, by writ, cause the person found not to have been duly elected to be removed; and in case the Judge determines that any other person was duly elected, the Judge shall forthwith order a writ to issue causing such other person to be admitted; and in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall by the writ cause a new election to be held. 46 V. c. 18, s. 196.

If election invalid, judge shall remove person not duly elected, and admit person elected, or cause new election.

199. In case the election of all the members of a council is adjudged invalid, the writ for their removal, and for the election of new members in their place, or for the admission of others adjudged legally elected, and an election to fill up the remaining seats in the council, shall be directed to the sheriff of the county in which the election took place; and the sheriff shall have all the powers for causing the election to be held which a municipal council has in order to supply vacancies therein. 46 V. c. 18, s. 197.

If all the members ousted, etc., writ for new election to go to the sheriff.

200. Any person whose election is complained of may, unless such election is complained of on the ground of corrupt practices on the part of such person, within one week after service on him of the writ, transmit, post paid, through the post office, directed to "The Clerk in Chambers, at Osgoode Hall, Toronto," or to "The Judge of the County Court of the County of _____" (as the case may be), or may cause to be delivered to such clerk or Judge a disclaimer signed by him, to the effect following:

Defendant may disclaim, except in certain cases. Mode of proceeding.

"I, *A. B.*, upon whom a writ of summons, in the nature of a *quo warranto*, has been served for the purpose of contesting my right to the office of Township Councillor (or as the case may be) for the Township of _____, in the County of _____ (or as the case may be), do hereby disclaim the said office, and all defence of any right I may have to the same.

Form.

"Dated _____

day of _____

(Signed) _____

"*A. B.*"

46 V. c. 18, s. 198.

201. The disclaimer, or the envelope containing the same, shall moreover be endorsed on the outside thereof with the word "*Disclaimer*," and be registered at the post office where mailed. 46 V. c. 18, s. 199.

Posting and registry of disclaimer.

Person elected may disclaim at any time before his election is complained of.

Form.

202. Where there has been a contested election, the person elected may at any time after the election, and before his election is complained of, deliver to the clerk of the municipality a disclaimer signed by him as follows :

“ I, A. B., do hereby disclaim all right to the office of Township Councillor, (or as the case may be) for the Township of _____ (or as the case may be), and all defence of any right I may have to the same.”

46 V. c. 18, s. 200.

Disclaimer to operate as resignation.

Who to be deemed elected.

203. Such disclaimer shall relieve the party making it from all liability to costs, and where a disclaimer has been made in accordance with the preceding sections, it shall operate as a resignation, and the candidate having the next highest number of votes shall then become the councillor, or other officer, as the case may be. 46 V. c. 18, s. 201.

Duplicate disclaimer to be delivered to clerk.

204. Every person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the council, and the clerk shall forthwith communicate the same to the council. 46 V. c. 18, s. 202.

Costs against person disclaiming.

205. No costs shall be awarded against a person duly disclaiming, unless the Judge is satisfied that such party consented to his nomination as a candidate, or accepted the office, in which case the costs shall be in the discretion of the Judge. 46 V. c. 18, s. 203.

Costs generally.

206. In all cases not otherwise provided for, costs shall be in the discretion of the Judge. 46 V. c. 18, s. 204.

Judgment to be final and to be returned to the court.

207. The decision of the Judge shall be final, and he shall, immediately after his judgment, return the writ and judgment, with all things had before him touching the same, into the Division from which the writ issued, there to remain of record as a judgment of the High Court ; and he shall, as occasion requires, enforce the judgment by a writ in the nature of a writ of peremptory *mandamus*, and by writs of execution for the costs awarded. 46 V. c. 18, s. 205.

Mode of enforcing judgment.

The judges to make rules, etc.

208. The Judges of the High Court, or a majority of them may, by rules, settle the forms of the writs of summons, *certiorari*, *mandamus* and execution under this Act, and may regulate the practice respecting the suing out, service and execution of such writs, and the punishment for disobeying the same, or any other writ, or order of the Court or Judge, and respecting the practice generally, in hearing and determining the validity of such elections or appointments, and respecting the costs thereon ; and may from time to time rescind, alter, or add to such rules ; but all existing rules shall remain in force until rescinded or altered as aforesaid. 46 V. c. 18, s. 206.

DIVISION IX.—PREVENTION OF CORRUPT PRACTICES.

Bribery and undue influence defined. Secs. 209, 210.

Certain payments lawful. Sec. 211.

Evidence to be viva voce. Sec. 212.

Effect of the conviction of candidate for bribery. Sec. 213.

Penalties. Sec. 214.

How penalties recoverable. Sec. 215.

Report and record of convictions. Secs. 216, 217.

Witnesses, how procured—Self-crimination or privilege not to excuse from giving evidence. Secs. 218, 219.

Proceedings, within what time to be taken. Sec. 220.

When penalties not recoverable. Sec. 221.

Publication of the law against corrupt practices. Sec. 222.

209. The following persons shall be deemed guilty of bribery, and shall be punished accordingly :

1. Every person who, directly or indirectly, by himself, or by any other person in his behalf, gives, lends or agrees to give or lend, or offers or promises money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises, any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at a municipal election, or upon a by-law for raising money or creating a debt upon a municipality or part of a municipality for any purpose whatever, or who corruptly does any such act as aforesaid, on account of such voter having voted or refrained from voting at such election, or upon such by-law ;

Certain persons to be deemed guilty of bribery.

Giving money to voters, etc.

Procuring office, etc., for voters.

2. Every person who, directly or indirectly, by himself or by any other person in his behalf, makes any gift, loan, offer, promise or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person to serve in any municipal council or to procure the passing of any by-law as aforesaid, or the vote of any voter at a municipal election, or for such by-law ;

Or for persons influencing voters.

3. Every person who, by reason of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person in a municipal election, or to procure the passing of any by-law as aforesaid, or the vote of any voter at a municipal election, or for such by-law ;

Corruptly influencing voters.

4. Every person who advances or pays, or causes to be paid, money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at a municipal election, or at any voting upon a by-law as aforesaid, or who knowingly pays, or causes to be

Advancing, etc., money for bribery, etc.

paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at such election, or at the voting upon such by-law ;

Voter receiving money, etc., for vote, or agreeing for money to vote, etc.

5. Every voter who, before or during a municipal election, or the voting on such by-law, directly or indirectly, by himself or any other person in his behalf, receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or refraining or agreeing to refrain from voting at such election, or upon such by-law ;

Receiving money, etc., after the election for voting, or inducing, etc., to vote.

6. Every person who, after such election, or the voting upon such by-law, directly or indirectly, by himself or any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at such election, or upon such by-law ;

Hiring teams, etc.

7. Every person who hires horses, teams, carriages or other vehicles for the purpose of conveying electors to or from the polls, and every person who receives pay for the use of any horse, teams, carriages, or other vehicles, for the purpose of conveying electors to or from any polls as aforesaid. 46 V. c. 18, s. 207.

Persons using violence or intimidation to be guilty of undue influence.

210. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts, or threatens the infliction, by himself or by or through any other person, of any injury, damage or loss, or in any manner practises intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who in any way prevents, or otherwise interferes with, the free exercise of the franchise of any voter shall be deemed to be guilty of undue influence, and be subject to the penalty hereinafter mentioned. 46 V. c. 18, s. 208.

Expenses of candidates.

211. The actual personal expenses of a candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, shall be held to be the expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act. 46 V. c. 18, s. 209.

Evidence of corrupt practices on application in nature of *quo warranto* to be taken *viva voce*.

212. Where, in an application in the nature of a *quo warranto*, a question is raised as to whether the candidate or any voter has been guilty of any violation of section 209 or 210 of this Act affidavit evidence shall not be used to prove the offence, but it shall be proved by *viva voce* evidence taken before the Judge of any County Court, upon a reference to

him by the Judge of the High Court for that purpose, or upon an appointment granted by him in cases pending in such County Court. 46 V. c. 18, s. 210.

213. Any candidate elected at a municipal election, who is found guilty by the Judge, upon a trial upon a writ of *quo warranto*, of any act of bribery, or of using undue influence as aforesaid, shall forfeit his seat, and shall be ineligible as a candidate at any municipal election for two years thereafter. 46 V. c. 18, s. 211. Penalty on candidates guilty of bribery, etc.

214. Any person who is adjudged guilty of any offence within the meaning of sections 209 or 210 of this Act, shall incur a penalty of \$20, and shall be disqualified from voting at any municipal election or upon a by-law for the next succeeding two years. 46 V. c. 18, s. 212. Penalty for offences under ss. 209, 210.

215. The penalties imposed by the preceding section shall be recoverable, with full costs of suit, by any person who sues for the same in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment is rendered, shall be ineligible, either as a candidate or a municipal voter, until the amount which he has been condemned to pay is fully paid and satisfied. 46 V. c. 18, s. 213. Recovery of penalties.

216. It shall be the duty of the Judge who finds any candidate guilty of a contravention of section 209 or 210 of this Act, or who condemns any person to pay any sum in the Division Court for any offence within the meaning of this Act, to report the same forthwith to the clerk of the municipality wherein the offence has been committed. 46 V. c. 18, s. 214. Judge to make return.

217. The clerk of every municipality shall duly enter in a book, to be kept for that purpose, the names of all persons within his municipality who have been adjudged guilty of any offence within the meaning of section 209 or 210 of this Act, and of which he has been notified by the Judge who tried the case. 46 V. c. 18, s. 215. Clerk to keep book shewing names of persons guilty of offences, etc.

218. Any witness shall be bound to attend before the Judge of the County Court upon being served with the order of the County Court Judge directing his attendance and upon payment of the necessary fees for his attendance, in the same manner as if he had been directed by a writ of subpoena so to attend, and he may be punished for contempt, and shall be liable to all the penalties for such non-attendance in the same manner as if he had been served with a subpoena. 48 V. c. 18, s. 216. Attendance of witnesses.

Witnesses not excused from answering on grounds of self crimination or privilege.

Proviso.

219. No person shall be excused from answering any question put to him in any action or other proceeding in any Court or before any Judge, touching or concerning any election or by-law, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to the question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will subject him to any penalty under this Act, shall be used in any proceeding under this Act, against such person, if the Judge gives to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answer, to the satisfaction of the Judge. 46 V. c. 18, s. 217.

Limitation of actions.

220. All proceedings other than an application in the nature of *quo warranto* against any person for any violation of section 209 or 210 of this Act, shall be commenced within four weeks after the municipal election at which the offence is said to have been committed, or within four weeks after the day of voting upon a by-law as aforesaid. 46 V. c. 18, s. 218.

No statutory penalty for corrupt practices at elections, where the party charged has first prosecuted a party jointly liable.

Proviso.

221. No pecuniary penalty or forfeiture imposed by this Act or any other Act of the Legislature of Ontario, shall be recoverable for any act of bribery or corrupt practice at an election, in case it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted such other person or persons or any of them for the said act; but this provision shall not apply in case the Judge before whom the person claiming the benefit thereof is charged, certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence charged, and that such person was in fact the principal offender. 46 V. c. 18, s. 219.

Copies of ss. 209-222 to be posted up prior to election.

222. The clerk of every municipality shall, prior to any election, or voting on any by-law furnish every deputy-returning officer with at least two copies of the sections of this Act, numbered from 209 to 222 inclusive, and it shall be the duty of the deputy-returning officer to post the same in conspicuous places at the polling place of the polling subdivision for which he is deputy-returning officer. 46 V. c. 18, s. 220.

PART IV.

MEETINGS OF MUNICIPAL COUNCILS.

DIV. I.—WHEN AND WHERE HELD.

DIV. II.—CONDUCT OF BUSINESS.

DIV. I.—WHEN AND WHERE HELD.

First and subsequent meetings. Secs. 223-230.

Remuneration of members. Secs. 231, 232.

223. The members of every municipal council (except county councils) shall hold their first meeting at eleven o'clock in the forenoon, on the third Monday of the same January in which they are elected, or on some day thereafter; and the members of every county council shall hold their first meeting at two o'clock in the afternoon, or some hour thereafter, on the fourth Tuesday of the same month, or on some day thereafter. 46 V. c. 18, s. 221.

224. No business shall be proceeded with at the first meeting of the council, until the declarations of office and qualification have been administered to all the members who present themselves to take the same. 46 V. c. 18, s. 222.

225. The members elect of every county council, being at least a majority of the whole number of the council when full, shall at their first meeting after the yearly elections, and after making the declarations of office and qualification when required to be taken, organize themselves as a council by electing one of themselves to be warden. 46 V. c. 18, s. 223.

226. At every such election the clerk of the council shall preside, and if there is no clerk, the members present shall select one of themselves to preside, and the person selected may vote as a member. 46 V. c. 18, s. 224.

227. In case of an equality of votes on the election of the head of any county council, or provisional county council, then of those present, the reeve, or in his absence the deputy-reeve of the municipality which for the preceding year had the greatest equalized assessment shall have a second and casting vote. 50 V. c. 29, s. 7.

Place of first meeting.

228. The members of every county council shall hold their first meeting at the county hall if there is one, or otherwise at the county court house. 46 V. c. 18, s. 226.

Place of subsequent meeting of county council, etc.

229. The subsequent meetings of the county council, and all the meetings of every other council shall be held at such place, either within or without the municipality, as the council from time to time, by resolution on adjourning, to be entered on the minutes, or by by-law, appoints. 46 V. c. 18, s. 227.

Place of meeting may be in cities, etc.

230. The council of any county or township in which any city, town, or incorporated village lies, may hold its sittings, keep its public offices, and transact all the business of the council and of its officers and servants within such city, town or incorporated village, and may purchase and hold such real property therein as may be convenient for such purposes. 46 V. c. 18, s. 228.

Remuneration to councillors and committee-men limited.

231. The council of every township and county may pass by-laws for paying the members of the council for their attendance in council, or any member while attending on committee of the council, at a rate not exceeding \$3 *per diem*, and five cents per mile necessarily travelled (to and from), for such attendance. 46 V. c. 18, s. 229.

Remuneration of mayor, etc.

232. The head of the council of any county, city, town or incorporated village may be paid such annual sum or other remuneration as the council of the municipality may determine. 46 V. c. 18, s. 230.

DIVISION II.—CONDUCT OF BUSINESS.

Ordinary meetings to be open to public. Sec. 233.

Quorum. Secs. 234, 235.

Who to preside. Secs. 236, 238-240.

Special meetings. Secs. 236-238.

Presiding officers may vote. Sec. 241.

Equality of votes negatives question. Sec. 241.

Power to adjourn. Sec. 242.

Ordinary meetings to be open.

233. Every council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct, but the head or other chairman of the council may expel and exclude from any meeting, any person who has been guilty of improper conduct at such meeting. 46 V. c. 18, s. 231.

Quorum.

234. A majority of the whole number of members required by law to constitute the council shall be necessary to form a quorum. 46 V. c. 18, s. 232.

235. When a council consists of only five members, the concurrent vote of at least three shall be necessary to carry any resolution or other measure. 46 V. c. 18, s. 233. In councils of five, three must concur.

236.—(1) The head of every council shall preside at the meetings of council, and may at any time summon a special meeting thereof, and it shall be his duty to summon a special meeting whenever requested in writing by a majority of the members of the council. 46 V. c. 18, s. 234. The heads of councils to preside. Special meetings.

2. In the absence or death of the mayor or head of the council, a special meeting may be summoned at any time by the clerk upon a special requisition to him, signed by a majority of the members of the council. 47 V. c. 32, s. 6. Summoning of special meetings in absence of the Mayor, etc.

237. In case there is no by-law of a council fixing the place of meeting, any special meeting of the council shall be held at the place where the then last meeting of the council was held, and a special meeting may be open or closed as in the opinion of the council, expressed by resolution in writing, the public interest requires. 46 V. c. 18, s. 235. Special meeting, where to be held. May be either open or closed.

238. In case of the death or absence of the head of a town council, the reeve, and in case of the absence or death of both of them, the deputy reeve, and in case of the death or absence of the head of a village or township council, the deputy reeve shall preside at the meetings of the council, and may at any time summon a special meeting thereof; but if there be more than one deputy reeve, the council shall determine which of them shall preside at their meeting. 46 V. c. 18, s. 236. When reeve or deputy reeve to preside.

239. In the absence of the head of the council, and in the case of a town, village or township, in the absence also of the reeve, if there be one, and also of the deputy-reeve or deputy-reeves, if there be one or more, by leave of the council or from illness, the council may, from among the members thereof, appoint a presiding officer, who, during such absence, shall have all the powers of the head of the council. 46 V. c. 18, s. 237. Absence of head, etc., provided for.

240. If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed, the members present may appoint a chairman from amongst themselves, and such chairman shall have the same authority in presiding at the meeting as the absent person would have had if present. 46 V. c. 18 s. 238. Casual absence provided for.

241. The head of the council, or the presiding officer or chairman of any meeting of any council, may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. 46 V. c. 18, s. 239. Head may vote. Question negatived in case of equality of votes.

242. Every council may adjourn its meetings from time to time. 46 V. c. 18, s. 240. Adjournment.

PART V.

OFFICERS OF MUNICIPAL CORPORATIONS.

DIV. I.—THE HEAD.

DIV. II.—THE CLERK.

DIV. III.—THE TREASURER.

DIV. IV.—ASSESSORS AND COLLECTORS.

DIV. V.—AUDITORS AND AUDIT.

DIV. VI.—VALUATORS.

DIV. VII.—DUTIES OF OFFICERS RESPECTING OATHS AND DECLARATIONS.

DIV. VIII.—SALARIES, TENURE OF OFFICE AND SECURITY.

DIVISION I.—THE HEAD.

Who to be. Sec. 243.

Duties. Sec. 244.

Who to be
head of
council.

243. The head of every county and provisional corporation shall be the warden thereof, and of every city and town the mayor thereof, and of every township and incorporated village the reeve thereof. 46 V. c. 18, s. 241.

Duties of head
of council.

244. The head of the council shall be chief executive officer of the corporation; and it shall be his duty to be vigilant and active at all times in causing the law for the government of the municipality to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and, as far as may be in his power, to cause all negligence, carelessness and positive violation of duty, to be duly prosecuted and punished, and to communicate from time to time to the council all such information, and recommend such measures within the powers of the council as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the municipality. 46 V. c. 18, s. 242.

DIVISION II.—THE CLERK.

Appointment and duties of. Sec. 245.

Absence of. Sec. 246.

Records and papers may be inspected. Sec. 247.

Return of statistics. Sec. 248.

Appointment
of clerk, and
his duties.

245. Every council shall appoint a clerk; and the clerk shall truly record in a book, without note or comment, all reso-

lutions, decisions and other proceedings of the council, and, if required by any member present, shall record the name and vote of every member voting on any matter submitted, and shall keep the books, records and accounts of the council, and shall preserve and file all accounts acted upon by the council, and also the originals or certified copies of all by-laws, and of all minutes of the proceedings of the council, all of which he shall so keep in his office, or in the place appointed by by-law of the council. 46 V. c. 18, s. 243.

246. The council may by resolution provide that, in case the clerk is absent, or incapable through illness of performing his duties of clerk, some other person to be named in the resolution, or to be appointed under the hand and seal of such clerk, shall act in his stead, and the person so appointed shall, while he so acts, have all the powers of the clerk. 46 V. c. 18, s. 244.

Provision for absence, etc., of clerk.

247. Any person may inspect any of the particulars aforesaid, as well as the assessment rolls, voters' lists, poll books, and other documents in the possession of or under the control of the clerk, at all seasonable times, and the clerk shall, within a reasonable time, furnish copies thereof to any applicant at the rate of ten cents per hundred words, or at such lower rates as the council appoints, and shall, on payment of the proper fee therefor, furnish within a reasonable time, to any elector of the municipality, or to any other person interested in any by-law, order or resolution, or to his solicitor, a copy of such by-law, order or resolution, certified under his hand, and under the corporate seal. 46 V. c. 18, s. 245.

Minutes, etc., to be open to inspection.

Copies to be furnished, and charges therefor, etc.

248.—(1) The clerk of every municipality shall in each year, within one week after the final revision of the assessment roll, under a penalty of \$20 in case of default, make a return to the secretary of the Bureau of Industries, Toronto, on schedules or forms furnished by the said secretary, and approved by the Lieutenant-Governor in Council, of such statistics or information as the assessment roll or other records of his office afford, and as such schedules or forms call for.

Returns to be made to Bureau of Industries.

(2) The secretary of the Bureau of Industries shall, as soon as may be, after the opening of every Session of the Legislature, report to the Minister of Agriculture for the purpose of being laid before the Legislative Assembly, a tabulated statement of all the returns hereby required to be made.

Tabulated statement of returns to be made by secretary of Bureau.

(3) The Treasurer of the Province shall retain in his hands any moneys payable to any municipality, if it is certified to him by the secretary of the Bureau of Industries, that the clerk of such municipality has not made the returns hereby required. 50 V. c. 29, ss. 13-15.

Moneys payable to municipalities in default to be retained.

DIVISION III.—THE TREASURER.

His appointment, security, duties, etc. Secs. 249-252.

Powers of successor, when Treasurer is dismissed or absconds. Sec. 253.

Treasurer to be appointed.

To give security.

Annual inquiry as to sufficiency of.

249. Every municipal council shall appoint a treasurer, who may be paid either by salary or by a percentage, and every treasurer, before entering upon the duties of his office, shall give such security as the council directs for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; and it shall be the duty of every council, in each and every year, to inquire into the sufficiency of the security given by such treasurer, and report thereon. 46 V. c. 18, s. 252.

To receive and take care of and disburse moneys, etc.

His liability limited.

250.—(1) Every treasurer shall receive, and safely keep, all moneys belonging to the corporation, and shall pay out the same to such persons and in such manner as the laws of the Province, and the lawful by-laws or resolutions of the council of the municipal corporation, whose officer he is, direct; but no member of the council shall receive any money from such treasurer for any work performed or to be performed; and the treasurer shall not be liable to an action for any moneys paid by him in accordance with any by-law or resolution passed by the council of the municipality of which he is the treasurer, unless where another disposition is expressly made of such moneys by statute.

Appointment of treasurer, *pro tem.*

Proviso.

(2) In case of the death of a county treasurer the warden for the time being may, by warrant under his hand and seal, appoint a treasurer *pro tempore* for such special purpose or purposes as the warden may deem necessary, who shall hold office until the next meeting of the council, and all acts performed by him, authorized by said warrant, shall be as valid and binding as if performed by a treasurer regularly appointed: provided always that the warden shall, in and by such warrant of appointment, direct what security shall be given by such treasurer *pro tempore* for the faithful performance of his duties, and especially for duly accounting for, and paying over, all moneys which may come into his hands, and he shall, before entering upon his duties, give such security, but he shall not interfere with the books, vouchers, or accounts of the deceased treasurer until a proper audit shall be made. 46 V. c. 18, s. 253.

Half-yearly statement of assets.

251. Every treasurer shall also prepare and submit to the council, half-yearly, a correct statement of the moneys at the credit of the corporation whose officer he is; and in cities, towns, incorporated villages and townships which have passed by-laws requiring this to be done, the treasurer shall, on or

before the 20th day of December in each year, prepare and transmit to the clerk of the municipality a list of all persons who have not paid their municipal taxes on or before the 14th day of said month of December. 46 V. c. 18, s. 254. *See secs. 82, 489 (2).*

Annual list of persons in default for taxes.

252.—(1) The treasurer of every municipality shall, on or before the first day of May in each year, under a penalty of \$20 in case of default, furnish to the secretary of the Bureau of Industries, Toronto, on schedules or forms furnished by said secretary and approved by the Lieutenant-Governor in Council, such information or statistics regarding the finances or accounts of the municipality, as such schedules or forms call for.

Returns to be made to Bureau of Industries.

(2) The secretary of the Bureau of Industries, shall, as soon as may be, after the opening of every Session of the Legislature, report to the Minister of Agriculture for the purpose of being laid before the Legislative Assembly, a tabulated statement of all the returns hereby required to be made.

Tabulated statement of returns to be made by secretary of Bureau.

(3) The Treasurer of the Province shall retain in his hands any moneys payable to any municipality, if it is certified to him by the secretary of the Bureau of Industries, that the treasurer of such municipality has not made the returns hereby required. 50 V. c. 29, ss. 12, 14, 15.

Moneys payable to municipalities in default to be retained.

253. In case any treasurer is dismissed from office, or absconds, it shall be lawful for his successor to draw any moneys belonging to the municipality. 46 V. c. 18, s. 255.

Provision on dismissal from office.

DIVISION IV.—ASSESSORS AND COLLECTORS.

(See also Cap. 193, ss. 12, 13.)

Appointment of. Secs. 254, 255.

Assessment Commissioner—Board of Assessors. Sec. 255.

Township Collectors to act for Provisional Corporations—Disposal of moneys. Secs. 256, 257.

254.—(1) The council of every city, town, township, and incorporated village, shall, as soon as may be convenient after the annual election, appoint as many assessors and collectors for the municipality as the assessment laws from time to time authorize or require, and shall fill up any vacancy that occurs in the said offices as soon as may be convenient after the same occurs; but the council shall not appoint as assessor or collector a member of the council.

Assessors and collectors, appointment and qualification of.

(2) The same person may, in a city, town or township, be appointed assessor or collector for more than one ward or polling subdivision.

(3) In municipalities which have passed by-laws requiring taxes to be paid on or before the 14th day of December, it shall be the duty of the collectors, on the 15th day of December in each year, upon oath, to return to the treasurer the names of all persons who have not paid their municipal taxes on or before the 14th day of the said month of December. 46 V. c. 18, s. 256.

In cities, assessment commissioner may be appointed instead of such assessors, etc.

255. In cities, the council, instead of appointing assessors under the preceding section, may appoint an assessment commissioner, who, in conjunction with the mayor for the time being, shall, from time to time, appoint such assessors and valuers as may be necessary, and such commissioner, assessors, and valuers shall constitute a board of assessors, and shall possess all the powers and perform the duties of assessors appointed under the last preceding section; and the council shall also have power, by by-law, to determine the number of collectors to be appointed, and prescribe their duties, and any commissioner, assessor or collector to be appointed by any city need not be appointed annually, but shall hold office at the pleasure of the council; and all notices, in other municipalities required to be given to the clerk of the municipality in matters relative to assessment shall in such city be given to the assessment commissioner. 46 V. c. 18, s. 257, *part*.

Tenure of office of commissioner, assessors, etc.

Collector of provisional council.

Payments.

256. The collectors of the several townships in a junior county of a union of counties shall, *ex officio*, be collectors in such townships for the provisional council, and the collectors shall pay over to the provisional treasurer the money they collect under any by-law of the provisional council. 46 V. c. 18, s. 258.

Moneys, how to be disposed of.

257. The money so collected shall be deemed the money of the union, so far as necessary to make the collectors and their sureties responsible to the union therefor; and in case the corporation of the union receives the same, such corporation shall immediately pay the amount to the provisional treasurer, retaining the expenses of collection. 46 V. c. 18, s. 259.

DIVISION V.—AUDITORS AND AUDIT.

Appointment and duties. Secs. 258-264.

Publication of abstract and statement of receipts and expenditure. Sec. 265.

Council to finally audit. Sec. 266.

County Council to regulate and audit County moneys. Sec. 267.

Audit, how often to be made. Sec. 268.

Special provisions relating to Toronto. Sec. 259.

258. Subject to the provisions of the next two sections as Auditors to cities, every council shall at the first meeting thereof in every year after being duly organized, appoint two auditors, one of whom shall be such person as the head of the council nominates; but no one who, at such time, or during the preceding year, is or was a member, or is or was clerk or treasurer of the council, or who has, or during the preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the corporation, except as auditor, shall be appointed an auditor. And in the event of an auditor so appointed to audit the accounts of the county refusing, or being unable to act, then the head of the council shall nominate another person to act in his stead. 46 V. c. 18, s. 260; 50 V. c. 29, s. 10. Disqualification for office of.

259.—(1) The council of the corporation of the city of Toronto shall, during the month of December in each year, appoint two auditors. 46 V. c. 18, s. 268 (1). Appointment of auditors by the city of Toronto.

(2) The auditors for the said city shall discharge the duties imposed upon auditors by sub-section 2 of section 263 of this Act, within one month after the 31st day of December in each year. 46 V. c. 18, s. 270. Annual report by auditors of City of Toronto.

260.—(1) The council of any city which shall pass a by-law declaring that it is expedient to appoint its auditors in the month of December in each year, shall, while such by-law remains in force, and in the month of December in each year, instead of at its first meeting after being duly organized, appoint two auditors. 47 V. c. 32, s. 7 (1). Time for appointment of auditors in cities.

(2) Notwithstanding this section, or any such by-law, the provisions of section 258 of this Act, as to the appointment of auditors, shall apply to the audit of the accounts of the year in which such by-law takes effect. 47 V. c. 32, s. 7 (5). Application of existing laws as to appointment of auditors.

261. The auditors appointed under the next preceding two sections shall, every month, commencing at the end of the first month in the year following the said month of December, and so on to the end of such year, examine and report upon all accounts affecting the corporation, or relating to any matter under its control, or within its jurisdiction. 46 V. c. 18, s. 269; 47 V. c. 32, s. 7 (4). Duty of auditors.

262. The council of a city, in the event of a vacancy in the office of auditor happening by death, resignation or otherwise, may, by by-law, fill such vacancy, and the person so appointed shall hold office for the remainder of the year for which the original appointment was made. 46 V. c. 18, s. 268 (2); 47 V. c. 32, s. 7 (2). Filling Vacancies

Duties of
auditors.

263.—(1) The auditors shall examine and report upon all accounts affecting the corporation, or relating to any matter under its control or within its jurisdiction for the year ending on the 31st day of December preceding their appointment. 46 V. c. 18, s. 261.

To prepare
abstract and
detailed state-
ment of
receipts and
expenditure,
etc.

(2) The auditors shall prepare in duplicate an abstract of the receipts, expenditure, assets, and liabilities of the corporation, and also a detailed statement of the same in such form as the council directs. They shall make a report on all accounts audited by them, and a special report of any expenditure made contrary to law. The auditors shall transmit one copy of the abstract to the secretary of the Bureau of Industries, Toronto, and shall file the other, together with the detailed statement and reports in the office of the clerk of the council within one month after their appointment; and thereafter any inhabitant or ratepayer of the municipality may inspect the same at all reasonable hours, and may by himself or his agent at his own expense take a copy thereof or extracts therefrom. 50 V. c. 29, s. 11.

Accounts may
be audited be-
fore payment.

264. The council of any city may, by by-law, provide that the auditors shall audit all accounts before payment. 46 V. c. 18, s. 268 (3); 47 V. c. 32, s. 7 (2, 3).

Clerks to pub-
lish abstracts
and state-
ments.

265. The clerk shall publish the auditors' abstract and report (if any), and shall also publish the detailed statement in such form as the council directs, and in case of a minor municipality the clerk shall transmit to the clerk of the county council a copy of such abstract and statement, and the same shall be kept by the clerk of the county council as a record of his office. 46 V. c. 18, s. 263.

The council to
audit finally,
etc.

266. The council shall, upon the report of the auditors finally audit and allow the accounts of the treasurer and collectors, and all accounts chargeable against the corporation; and in case of charges not regulated by law, the council shall allow what is reasonable. 46 V. c. 18, s. 265.

Audit of
moneys to be
paid by county
Treasurer.

267. Unless otherwise provided, every county council shall have the regulation and auditing of all moneys to be paid out of the funds in the hands of the county treasurer. 46 V. c. 18, s. 266.

Audit of
accounts in
cities and
towns.

268. In cities and towns, the council may also appoint an auditor, who shall, daily or otherwise as directed by the council, examine and report and audit the accounts of the corporation, in conformity with any regulation or by-law of the council; and in other municipalities the auditors shall also, monthly or quarterly, if directed by by-law, examine into and audit the accounts of the corporation. 46 V. c. 18, s. 267; 48 V. c. 39, s. 8.

In other mu-
nicipalities.

DIVISION VI.—VALUATORS.

Appointment and Duties. Sec. 269.

269. The council of every county may appoint two or more valuers for the purpose of valuing the real property within the county, whose duty it shall be to ascertain, in every fifth year at furthest, the value of the same in the manner directed by the county council; but the valuers shall not exceed the powers possessed by assessors; and the valuation so made shall be made the basis of equalization of the real property by the county council for a period not exceeding five years; and the equalization of personal property shall be as heretofore. 46 V. c. 18, s. 271.

County council may appoint valuers, their duties, etc.

Equalization of real property.

DIVISION VII.—DUTIES OF OFFICERS RESPECTING OATHS AND DECLARATIONS.

Declarations of office and qualification. Secs. 270-272.

Before whom made. Sec. 273.

Certificate of declaration. Sec. 273.

Persons to administer oaths and declarations. Sec. 274.

Record and deposit of. Sec. 275.

Oaths respecting matter before Council. Sec. 276.

Penalty for refusing office, or not making, or refusing to administer, declarations. Sec. 277.

270.—(1) Every person elected or appointed under this Act to any office requiring a qualification of property in the incumbent shall, before he takes the declaration of office, or enters on his duties, make and subscribe a solemn declaration to the effect following:

Declaration of office by certain officers.

I, A. B., do solemnly declare that I am a natural born (or naturalized) subject of Her Majesty; and have and had to my own use and benefit, in my own right (or have and had in right of my wife, as the case may be), as proprietor (or tenant, as the case may be), at the time of my election (or appointment, as the case may require) to the office of

Declaration of qualification.

hereinafter referred to, such an estate as

does qualify me to act in the office of (naming the office) for (naming the place for which such person has been elected or appointed), and that such estate is (the nature of the estate to be specified, as an equitable estate of leasehold or otherwise, as the case may require, and if land, the same to be designated by its local description, rents or otherwise) and that such estate at the time of my election (or appointment, as the case may require) was of the value of at least (specifying the value) over and above all charges, liens and incumbrances affecting the same.

Form of.

(2) Where any person has been elected as reeve, deputy-reeve, or councillor of any township council he may, instead of the foregoing declaration, make and subscribe a solemn declaration to the effect following:

I, A. B., do solemnly declare that I am a natural born (or naturalized) subject of Her Majesty; and have and had to my own use and benefit, in

my own right (or have and had in right of my wife, as the case may be) as proprietor at the time of my election to the office of _____ hereinafter referred to, such an estate as does qualify me to act in the office of (*naming the office*) for (*naming the place for which such person has been elected*), and that such estate is (*the nature of the estate to be specified and the land to be designated by its local description*) and that such estate at the time of my election was in my actual occupation, and was actually rated in the then last revised assessment roll of this Township (*naming it*) at an amount not less than \$2,000. 46 V. c. 18, s. 272; 49 V. c. 37, s. 4.

Declaration of
office by cer-
tain officers.

271. Every returning officer, deputy-returning officer and poll clerk, every member of a municipal council, every mayor and every clerk, assessor, collector, constable and other officer appointed by a council, shall also, before entering on the duties of his office, make and subscribe a solemn declaration to the effect following :

Form of decla-
ration of office.

I, *A. B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), to which I have been elected (or appointed) in this Township (*or as the case may be*), and that I have not received, and will not receive, any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said Corporation.

46 V. c. 18, s. 273.

Auditor's
declaration.

272. The solemn declaration to be made by every auditor shall be as follows :

Form of.

I, *A. B.*, having been appointed to the office of Auditor for the Municipal Corporation of _____, do hereby promise and declare, that I will faithfully perform the duties of such office according to the best of my judgment and ability ; and I do solemnly declare, that I had not directly or indirectly any share or interest whatever in any contract or employment (except that of Auditor, *if reappointed*) with, by, or on behalf of such Municipal Corporation, during the year preceding my appointment, and that I have not any such contract or employment except, that of auditor, for the present year.

46 V. c. 18, s. 274.

Before whom
declaration
to be made.

273. The head and other members of the council, and the subordinate officers of every municipality, shall make the declaration of office and qualification before some Court, Judge, Police Magistrate, or other Justice of the Peace having jurisdiction in the municipality for which such head, members or officers have been elected or appointed, or before the clerk of the municipality ; and the Court, Judge, or other persons before whom such declarations are made, shall give the necessary certificate of the same having been duly made and subscribed. 46 V. c. 18, s. 275.

Certificate of
declaration.

Certain offi-
cers may
administer
certain oaths,
etc., within
municipality.

274. The head of any council, any alderman, reeve or deputy-reeve, any Justice of the Peace or clerk of a municipality may, within the municipality, administer any oath, affirmation or declaration under this Act, relating to the business of the place in which he holds office, except where other-

wise specially provided, and except where he is the party required to make the oath, affirmation or declaration. 46 V. c. 18, s. 276.

275. The deponent, affirmant, or declarant shall subscribe every such oath, affirmation, or declaration, and the person administering it shall duly certify and preserve the same, and within eight days deposit the same in the office of the clerk of the municipality to the affairs of which it relates. 46 V. c. 18, s. 277.

Oath, affirmation or declaration to be subscribed and deposited with clerk of municipality.

276. The head of every council, or in his absence the chairman thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to the council. 46 V. c. 18, s. 278.

Head of council may administer certain oaths, etc.

277. Every qualified person duly elected or appointed to be a mayor, alderman, reeve or deputy-reeve, councillor, police trustee, assessor or collector of or in any municipality, who refuses such office, or does not within twenty days after knowing of his election or appointment, make the declarations of office and qualification where a property qualification is required, and every person authorized to administer such declaration, who, upon reasonable demand, refuses to administer the same, shall, on summary conviction thereof before two or more Justices of the Peace, forfeit not more than \$80, nor less than \$8, at the discretion of the Justices, to the use of the municipality, together with the cost of prosecution. 46 V. c. 18, s. 279.

Penalty for refusing to accept office or administer declaration, etc.

DIVISION VIII.—SALARIES, TENURE OF OFFICE AND SECURITY

Appointment and remuneration of officers. Sec. 278.

Tenure of office and duties. Sec. 279.

Gratuities to retiring officers. Sec. 280.

Security to be given by officers. Sec. 281.

278.—(1) In case the remuneration of any of the officers of the municipality has not been settled by Act of the Legislature, the council shall settle the same, and the council shall provide for the payment of all municipal officers, whether the remuneration is settled by statute or by by-law of the council.

Salaries of officers.

(2) No municipal council shall assume to make any appointment to office, or any arrangement for the discharge of the duties thereof, by tender or to applicants at the lowest remuneration.

Mode of appointment.

(3) Where a solicitor or counsel, is employed by a municipality, whose remuneration is wholly or partly by salary, annual or otherwise, the municipality shall, notwithstanding—

When municipality employing solicitor at a salary may recover costs.

standing, have the right to recover and collect lawful costs in all actions and proceedings in the same manner as if the solicitor or counsel, was not receiving a salary, when the costs are, by the terms of his employment, payable to the solicitor or counsel as part of his remuneration in addition to his salary. 46 V. c. 18, s. 280.

Tenure of
office.

Duties.

279. All officers appointed by a council shall hold office until removed by the council, and shall, in addition to the duties assigned to them in this Act, perform all other duties required of them by any other statute, or by the by-laws of the council. 46 V. c. 18, s. 281.

A gratuity
may be given
in certain
cases.

280. Any municipal council, other than a provisional council, may grant to any officer who has been in the service of the municipality for at least twenty years, and who has, while in such service, become incapable through old age of efficiently discharging the duties of his office, a sum not exceeding his aggregate salary or other remuneration for the last three years of his service, as a gratuity upon his removal or resignation. 46 V. c. 18, s. 282.

Corporations,
etc., may ac-
cept security
of certain
companies for
their officers.

Provisions
respecting
such security
to apply.

Existing bonds
may be can-
celled.

281. The bonds or policies of guarantee of any incorporated or joint stock company, empowered to grant guarantees, bonds or policies for the integrity and faithful accounting of public officers and other like purposes, may be accepted instead of, or in addition to, the bond or security of any officer or servant of a municipal corporation, in all cases where, by the provisions of this or any other Act, or of any by-law of such corporation, such officer or servant is required to give security, either by himself, or by himself and a surety or sureties, and where the parties directed or authorized to take such security see fit to accept the bond or policy of such company as aforesaid, and approve the terms and conditions thereof; and all the provisions in such Act relating to such security, to be given by such officer or servant, or his sureties, shall apply to the bonds and policies of guarantee of such company as aforesaid, which may be taken instead of, or in substitution of, any existing securities, if the parties directed or authorized as aforesaid see fit, whereupon such existing securities shall be delivered up to be cancelled. 46 V. c. 18, s. 283.

PART VI.

GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES.

- TITLE I.—GENERAL JURISDICTION OF COUNCILS.
 II.—RESPECTING BY-LAWS.
 III.—RESPECTING FINANCE.
 IV.—ARBITRATIONS.
 V.—DEBENTURES AND OTHER INSTRUMENTS.
 VI.—ADMINISTRATION OF JUSTICE AND JUDICIAL PROCEEDINGS.

TITLE I.—GENERAL JURISDICTION OF COUNCILS.

DIVISION I.—NATURE AND EXTENT.

Confined to Municipality—How exercised. Sec. 282.

General Powers. Secs. 283, 284.

Traders' license fees. Sec. 285.

May not grant monopolies—except as to Ferries. Secs. 286, 287.

282. The jurisdiction of every council shall be confined to the municipality the council represents, except where authority beyond the same is expressly given; and the powers of the council shall be exercised by by-law, when not otherwise authorized or provided for. 46 V. c. 18, s. 284.

Jurisdiction of councils.

283. Every council may make regulations not specifically provided for by this Act, and not contrary to law, for governing the proceedings of the council, the conduct of its members, the appointing or calling of special meetings of the council, and generally such other regulations as the good of the inhabitants of the municipality requires, and may repeal, alter and amend its by-laws, save as by this Act restricted. 46 V. c. 18, s. 285.

General power to make regulations;

To repeal, alter, etc., by-laws.

284. A municipal council shall be deemed and considered as always continuing and existing, notwithstanding any annual or other election of the members composing the same, and upon and after the annual or other election of the members thereof, and their having organized and held their first meeting as a council, every council may take up and carry on to completion all by-laws, reports and proceedings which had

Council a continuing body.

been begun or have been under consideration by the council, either in the then next preceding year or subsequent or prior thereto, and it shall not be necessary to begin *de novo* with any by-law, proceeding, report, matter or thing entertained by the council in such preceding year, or subsequent or prior thereto, as aforesaid. 49 V. c. 37, s. 43.

Traders'
license fees.

285. In all cases where, under the provisions of this Act, or of any other Act, any council or the board of commissioners of police, in any city, or either of them, is or are authorized to pass by-laws for licensing any trade, calling, business, or profession, or the person carrying on or engaged in any such trade, calling, business, or profession, the council and the board of commissioners of police, respectively, shall have the power to pass by-laws for fixing the sum to be paid for such license, for exercising any such trade, calling, business, or profession, in the municipality, and enforcing the payment of the license fee, and determining the time the license shall be in force. 46 V. c. 18, s. 286.

Granting
monopolies
prohibited.

286. No council shall have the power to give any person an exclusive right of exercising, within the municipality, any trade or calling, or to impose a special tax on any person exercising the same, or to require a license to be taken for exercising the same, unless authorized or required by statute so to do; but the council may direct a fee, not exceeding \$1, to be paid to the proper officer for a certificate of compliance with any regulations in regard to such trade or calling. 46 V. c. 18, s. 287.

Privileges of
ferry.

Exception as
to certain
ferries.

287. A council may grant exclusive privileges in any ferry which may be vested in the corporation represented by such council, other than a ferry between a Province of the Dominion of Canada and any British or foreign country, or between two Provinces of the Dominion. 46 V. c. 18, s. 288. *See B. N. A. Act, 1867, s. 91, (13); cap. 117; and sec. 495 (4), post.*

TITLE II.—RESPECTING BY-LAWS.

DIV. I.—AUTHENTICATION OF BY-LAWS.

DIV. II.—OBJECTIONS BY RATEPAYERS.

DIV. III.—VOTING ON BY ELECTORS.

DIV. IV.—CONFIRMATION OF BY-LAWS.

DIV. V.—QUASHING BY-LAWS.

DIV. VI.—BY-LAWS CREATING DEBTS.

DIV. VII.—BY-LAWS RESPECTING YEARLY RATES.

DIV. VIII.—ANTICIPATORY APPROPRIATIONS.

DIVISION I.—AUTHENTICATION OF BY-LAWS.

*Original. Sec. 288.**Evidence of. Sec. 289.**Proof of facts for Lieutenant-Governor. Sec. 290.*

288. Every by-law shall be under the seal of the corporation, and shall be signed by the head of the corporation, or by the person presiding at the meeting at which the by-law has been passed, and by the clerk of the corporation. 46 V. c. 18, s. 289.

How by-laws
to be authen-
ticated.

289. A copy of any by-law, written or printed, without erasure or interlineation, and under the seal of the corporation, and certified to be a true copy by the clerk, and by any member of the council, shall be deemed authentic, and be received in evidence in any Court of Justice, without proof of the seal or signatures, unless it is specially pleaded or alleged that the seal or one or both of the signatures have been forged. 46 V. c. 18, s. 290.

Evidence of.

290. The facts required by this Act to be recited in any by-law which requires the approval of the Lieutenant-Governor in Council, shall, before receiving such approval, be verified by solemn declaration, by the head of the council, and by the treasurer and clerk thereof, and by such other person, and on such other evidence, as to the Lieutenant-Governor in Council satisfactorily proves the facts so recited; or in case of the death or absence of such municipal officer, upon the declaration of any other member of the council, whose declaration the Lieutenant-Governor in Council may accept. 46 V. c. 18, s. 291.

By-laws
requiring
assent of the
Lieut. Gov.

DIVISION II.—OBJECTIONS BY RATEPAYERS.

*When and how made. Sec. 291.**When Council shall act on objections. Sec. 292.*

291. In case a person rated on the assessment roll of a municipality, or of any locality therein, objects to the passing of a by-law, the passing of which is to be preceded by the application of a certain number of the ratable inhabitants of such municipality or place, he shall, on petitioning the council, be at liberty to attend in person, or by counsel or solicitor, before the council at the time at which the by-law is intended to be considered, or before a committee of the council appointed to hear evidence thereon, and may produce evidence that the necessary notice of the application for the by-law was not given, or that any of the signatures to the application are not genuine, or were obtained upon incorrect statements, and that

Opposition to
by-laws.

How to be
made

the proposed by-law is contrary to the wishes of the persons whose signatures were so obtained, and that the remaining signatures do not amount to the number, nor represent the amount of property, necessary to the passing of the by-law. 46 V. c. 18, s. 292.

When by-laws shall not pass.

292. If the council is satisfied upon the evidence that the application for the by-law did not contain the names of a sufficient number of persons, whose names were obtained without fraud and in good faith, and who represent the requisite amount of property, and are desirous of having the by-law passed, or if the council is satisfied that the notice required by law was not duly given, the council shall not pass the by-law. 46 V. c. 18, s. 293.

DIVISION III.—VOTING ON BY ELECTORS.

Proceedings preliminary to the Poll. Secs. 293-304.

The Poll. Secs. 305-319.

Who to Vote. Secs. 308, 309.

Freeholders. Sec. 308.

Leaseholders. Sec. 309.

Oath of Freeholder. Sec. 310.

Oath of Leaseholder. Secs. 311, 312.

Proceedings after close of Poll. Secs. 313-319.

Requisites of certain bonus by-laws. Sec. 320.

Secrecy of proceedings. Secs. 321, 322.

Scrutiny. Secs. 323-326.

Passing by-laws by Council. Secs. 327, 328.

If a by-law requires the assent of the electors, mode of obtaining same.

293. In case a by-law requires the assent of the electors of a municipality before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for:

Time and place of voting to be fixed by the by-law.

1. The council shall, by the by-law, fix the day and hour for taking the votes of the electors, and such places in the municipality as the council shall, in their discretion, deem best for the purpose, and where the votes are to be taken at more than one place, shall name a deputy-returning officer to take the votes at every such place; and the day so fixed for taking the votes shall not be less than three, nor more than five, weeks after the first publication of the proposed by-law.

Publication of by-law.

2. The council shall, before the final passing of the proposed by-law, publish a copy thereof in some public newspaper published either within the municipality or in the county town, or in a public newspaper published in an adjoining local municipality, as the council may designate by resolution, and the publication shall, for the purpose aforesaid, be continued in at

least one number of such paper each week for three successive weeks, and the council shall put up a copy of the by-law at four or more of the most public places in the municipality. 46 V. c. 18, s. 294 (1, 2).

3. Appended to the copy so published and posted shall be *Notice.* a notice, signed by the clerk of the council, stating that the copy is a true copy of a proposed by-law which has been taken into consideration, and which will be finally passed by the council in the event of the assent of the electors being obtained thereto, after one month from the first publication in the newspaper, stating the date of the first publication, and that at the hour, day and place or places therein fixed for taking the votes of the electors, the polls will be held. 49 V. c. 37, s. 25.

294. Forthwith after the day has been fixed as aforesaid, *Ballot papers to be printed.* for taking the votes of electors with respect to the by-law, the clerk of the municipal council which proposed the by-law, shall cause to be printed, at the expense of the municipality, such a number of ballot papers as will be sufficient for the purposes of the voting. 46 V. c. 18, s. 295.

295. The ballot papers shall be according to the form of *Form of Schedule J* to this Act. 46 V. c. 18, s. 296.

296. The council shall, by the by-law, fix a time when, and a place where, the clerk of the council which proposed the by-law shall sum up the number of votes given for and against the by-law, and a time and place for the appointment of persons to attend at the various polling places, and at the final summing up of the votes by the clerk respectively, on behalf of the persons interested in, and promoting or opposing the passage of, the by-law respectively. 46 V. c. 18, s. 297. *Council to fix a day for appointment of persons to attend at polling places, and for summing up votes.*

297. At the time and place named, the head of the municipality shall appoint, in writing signed by him, two persons to attend at the final summing up of the votes, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of the by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of the by-law. 46 V. c. 18, s. 298. *Selection of agents.*

298. Before any person is so appointed he shall make and subscribe, before the head of the municipality, a declaration in the form of Schedule K to this Act, that he is interested in, and desirous of promoting, or opposing (as the case may be), the passing of the by-law. 46 V. c. 18, s. 299. *Agent to make declaration.*

299. Every person so appointed, before being admitted to the polling place or the summing up of the votes, as the case may be, shall produce to the deputy-returning officer, or clerk of the municipality, as the case may be, his written appointment. 46 V. c. 18, s. 300. *Admission of agents to polling place, etc.*

Appointment
in absence of
agent.

300. In the absence of any person authorized as aforesaid to attend at a polling place, or at the final summing up of the votes, any elector in the same interest as the person so absent may, upon making and subscribing, before the deputy-returning officer at the polling place, or the clerk of the municipality, a declaration in the form of Schedule K to this Act, be admitted to the polling place to act for the person so absent. 46 V. c. 18, s. 301.

Exclusion
from polling
place.

301. During the time appointed for polling no person shall be entitled or permitted to be present in any polling place, other than the officers, clerks and persons or electors authorized to attend as aforesaid at the polling place. 46 V. c. 18, s. 302.

Deputy-
returning
officers, poll
clerks, and
agents may
vote at polling
place where
they are
employed,

302.—(1) The clerk of the municipality, on the request of any elector entitled to vote at one of the polling places, who has been appointed deputy-returning officer or poll clerk, or who has been named as the person to attend at a polling place, other than the one where he is entitled to vote, shall give to such elector a certificate that such deputy-returning officer, poll clerk, or person is entitled to vote for or against the by-law, at the polling place where such elector is stationed during the polling day, and the certificate shall also state the property or other qualification in respect to which he is entitled to vote.

on certificate
from the clerk
of the municip-
ality.

(2) On the production of the certificate, the deputy-returning officer, poll clerk or person shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling place of the ward, or polling subdivision where he would otherwise have been entitled to vote: and the deputy-returning officer shall attach the certificate to the voters' list; but no such certificate shall entitle such elector to vote at such polling place, unless he has been actually engaged as deputy-returning officer, poll clerk or person during the day of polling.

Who to ad-
minister oath
in such case.

(3) In case of a deputy-returning officer voting at the polling place at which he is appointed to act, the poll clerk, or in the absence of the poll clerk, any one authorized to be present at the polling place, may administer to the deputy-returning officer the oath required to be taken of voters qualified to vote on the by-law. 46 V. c. 18, s. 303.

Who to con-
duct the poll
in municipal-
ities divided
into wards.

303. In the case of municipalities which are divided into wards or polling subdivisions, the clerk of the municipality shall, before the poll is opened, prepare and deliver to the deputy-returning officer for every ward or polling subdivision, a voters' list in the form of Schedule C to this Act, containing the names, arranged alphabetically, of all persons appearing by the then last revised assessment roll to be

entitled, under the provisions of sections 308 and 309 of this Act, to vote in that ward or polling subdivision, and shall attest the said list by his solemn declaration in writing under his hand. 46, V. c. 18, s. 304.

304. In the case of municipalities which are not divided into wards or polling subdivisions, the clerk shall provide himself with the necessary ballot papers, the materials for marking ballot papers, printed directions to voters, and a list of electors for the municipality similar to the list mentioned in the preceding section; and the clerk shall perform the like duties with respect to the whole municipality as are imposed upon a deputy-returning officer in respect of a ward or polling subdivision. 46 V. c. 18, s. 305.

In municipalities not divided into wards.

The Poll.

305. At the day and hour fixed as aforesaid, a poll shall be held and the vote shall be taken by ballot. 46 V. c. 18, s. 306.

Voting to be by ballot.

306. The proceedings at the poll, and for and incidental to the same, and the purposes thereof, shall be the same, as nearly as may be, as at municipal elections, and all the provisions of sections 120 to 176 inclusive, of this Act, so far as the same are applicable, and except so far as is herein otherwise provided, shall apply to the taking of votes at the poll, and to all matters incidental thereto. 46 V. c. 18, s. 307.

Proceedings to be as at municipal elections.

307. The printed directions to be delivered to the deputy-returning officers shall be in the form of Schedule L to this Act. 46 V. c. 18, s. 308.

Form of directions for guidance to voters.

308.—(1) Every ratepayer, being a man, unmarried woman or widow, shall be entitled to vote on any by-law requiring the assent of the electors, who, at the time of tender of the vote, is of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and who has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders, and who is at the time of the tender a freeholder, in his own right, or whose wife is a freeholder of real property within such municipality, of sufficient value to entitle him to vote at any municipal election, and is rated on the last revised assessment roll as such freeholder, provided such person is named or purported to be named in the voters' list of electors.

Freeholders who may vote on by-laws.

(2) In case of a new municipality in which there has not been any assessment roll, the qualification of being named on the list and of being rated on the roll shall be dispensed with, but in such case the person offering to vote shall not be entitled to vote, unless he possesses the other qualifications above men-

In case of new municipality where there has been no assessment roll.

tioned, and has, at the time of tender of his vote, sufficient property to have entitled him to vote if he had been rated for such property, and unless at such time he names such property to the deputy-returning officer; and the deputy-returning officer shall note such property in the voters' list opposite the voter's name, at the request of any one entitled to vote on such by-law. 46 V. c. 18, ss. 309, 311.

Leaseholders
who may vote
on by-laws.

309.—(1) Every ratepayer shall be entitled to vote on any by-law requiring the assent of the electors, who is a man, unmarried woman or widow, and at the time of tender of the vote is of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and who has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders, and is resident within the municipality for which the vote is taken for one month next before the vote, and who is, or whose wife is, a leaseholder of real property within the municipality of sufficient value to entitle him to vote at a municipal election, and who is rated on the last revised assessment roll therefor, and which lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law is made payable; in which lease the lessee has covenanted to pay all municipal taxes in respect of the property leased, and which person is named, or purported to be named, in the voters' list.

Leaseholders
who may vote
on local im-
provement by-
laws.

(2) The said provisions as to the lease extending for the period of time within which the debt to be contracted or the money to be raised by such by-law is made payable, shall not apply to a by-law respecting local improvements, under section 625 of this Act.

In case of new
municipality
where there
has been no
assessment
roll.

(3) In case of a new municipality in which there has not been any assessment roll, the qualification of being named on the list and of being rated on the roll, and of residence for one month, shall be dispensed with, but in such case the person offering to vote shall not be entitled to vote unless possessing the other qualifications above mentioned, and unless he is at the time of tender of his vote a resident of the municipality, and then has sufficient property to have entitled him to vote if he had been rated for such property, and unless at such time he names the property to the deputy-returning officer; and the deputy-returning officer shall note the property in the voters' list, opposite the voter's name, at the request of any one entitled to vote on such by-law. 46 V. c. 18, ss. 310, 311.

Oath of free-
holder voting
on by-law.

310. Any ratepayer offering to vote in respect of a freehold on such by-law, may be required by the deputy-returning officer, or any ratepayer entitled to vote on such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:

You swear that you are of the full age of 21 years, and a natural born (or naturalized) subject of Her Majesty ;

That you are a freeholder in your own right (or your wife is a freeholder), within the Municipality for which this vote is taken ;

That you have not voted before on the by-law in this Township (or Ward, as the case may be) ;

That you are, according to law, entitled to vote on the said by-law ;

That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender ;

That you are the person named, or purporting to be named, in the voters' list of electors ;

(In the case of an unmarried woman or widow claiming to vote). That you are unmarried (or a widow as the case may be) ;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or refrain from voting ;

(In case of a new Municipality in which there has not been any assessment roll, then instead of referring to being named in the voters' list, the person offering to vote may be required to name, in the oath, the property in respect of which he claims to vote ;)

And no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. 46 V. c. 18, s. 312.

311. Any ratepayer offering to vote in respect of a leasehold, on such by-law, other than a by-law respecting local improvements, under section 625, may be required by the deputy-returning officer, or any ratepayer entitled to vote on such by-law, to make the following oath or affirmation, or any part thereof, before his vote is recorded :

Oath of leaseholder voting on by-law, other than one respecting local improvements under section 625.

You swear that you are of the full age of 21 years, and a natural born or naturalized subject of Her Majesty ;

That you have been a resident within the Municipality for which this vote is taken for one month next before the vote ;

That you are (or your wife is), a leaseholder within this Municipality, and the lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law now submitted to the ratepayers is made payable, and that you have (or the lessee in said lease has) covenanted in such lease to pay all municipal taxes ;

That you have not before voted on the by-law in this Township (or Ward, as the case may be) ;

That you are, according to law, entitled to vote on the said by-law ;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender ;

That you are the person named, or purporting to be named, in the voters' list ;

(In the case of an unmarried woman or widow claiming to vote). That you are unmarried (or a widow as the case may be) ;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or refrain from voting ;

(In case of a new Municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the vote, and of referring to being named in the voters' list, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote, and that he is a resident of such Municipality) ;

And no enquiries shall be made of a voter, except with respect to the facts specified in the oath or affirmation. 46 V. c. 18, s. 313.

Oath of leaseholder voting on by-law respecting local improvements under section 625.

312. A ratepayer offering to vote in respect of a leasehold, on a by-law respecting local improvements, under section 625, may be required by the deputy-returning officer, or any ratepayer entitled to vote on the by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded ;

You swear that you are of the full age of 21 years, and a natural born (or naturalized) subject of Her Majesty ;

That you have been a resident within the Municipality for which this vote is taken, for one month next before the vote ;

That you are (or your wife is) a leaseholder within this Municipality, and that you have (or the lessee in said lease has) covenanted in such lease to pay all municipal taxes ;

That you have not before voted on the by-law in this Township (or Ward, as the case may be) ;

That you are, according to law, entitled to vote on the said by-law ;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender ;

That you are the person named, or purporting to be named, in the voters' list ;

(In the case of an unmarried woman or widow claiming to vote). That you are unmarried (or a widow as the case may be) ;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or refrain from voting ;

(In case of a new Municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the vote, and of referring to being named in the voters' list, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote, and that he is a resident of such Municipality) ;

And no enquiries shall be made of a voter, except with respect to the facts specified in the oath or affirmation. 46 V. c. 18, s. 314.

Form of statement to be made by deputy returning officers of result of the polling.

313. The written statement to be made by every deputy-returning officer at the close of the polling shall be made under the following heads :

- (a) Name or number of ward or polling subdivision, and of the municipality, and the date of the polling ;

(b) Number of votes for and against the by-law ;

(c) Rejected ballot papers. 46 V. c. 18, s. 315.

314. The deputy-returning officer shall take a note of any objection made by any person authorized to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection. Each objection to a ballot paper shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the deputy-returning officer. 46 V. c. 18, s. 316.

Objections to ballot papers.
To be numbered.

315. Every deputy-returning officer, at the completion of the counting of votes after the close of the poll, shall, in the presence of the persons authorized to attend, make up into separate packets, sealed with his own seal, and the seals of such persons authorized to attend as desire to affix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the polling, the name of the deputy-returning officer, and of the ward or polling subdivision and municipality—

Deputy returning officer's duties after votes are counted.

(a) The statement of votes given for and against the by-law, and of the rejected ballot papers ;

(b) The used ballot papers which have not been objected to and have been counted ;

(c) The ballot papers which have been objected to, but which have been counted by the deputy-returning officer ;

(d) The rejected ballot papers ;

(e) The spoiled ballot papers ;

(f) The unused ballot papers ;

(g) The voters' list, with the oath in the form of Schedule G annexed thereto ; a statement of the number of voters whose votes are marked by the deputy-returning officer, under the heads "Physical incapacity" and "Unable to read," with the declarations of inability ; and the notes taken of objections made to ballot papers found in the ballot box. 46 V. c. 18, s. 317.

316. Every deputy-returning officer shall, at the close of the poll, certify, under his signature, on the voters' list, in full words, the total number of persons who have voted at the polling place at which he has been appointed to preside, and shall before placing the voters' list in its proper packet as aforesaid, make and subscribe before the clerk of the municipality, a Justice of the Peace or the poll clerk, his solemn declaration that the voters' list was used in the manner prescribed by law, and that the entries required by law to be made therein were

Certificate and declaration of deputy returning officer and return of voters' list and of ballot box.

correctly made; which declaration shall be in the form of Schedule G to this Act, and shall thereafter be annexed to the voters' list: he shall also forthwith return the ballot box to the clerk of the municipality. 46 V. c. 18, s. 318.

Deputy re-
turning officer
to certify as to
number of
votes and
rejected ballot
papers.

317. Every deputy-returning officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place a certificate of the number of votes given at the polling place for and against the by-law, and of the number of rejected ballot papers. 46 V. c. 18, s. 319.

Clerk to cast
up votes and
declare result.

318. The clerk, after he has received the ballot papers and statements before mentioned, of the number of votes given in each polling place, shall, at the time and place appointed by the by-law, in the presence of the persons authorized to attend or such of them as may be present, without opening any of the sealed packets of ballot papers, sum up from such statements the number of votes for and against the by-law, and shall then and there declare the result, and forthwith certify to the council under his hand, whether the majority of the electors voting upon the by-law have approved or disapproved of the by-law. 46 V. c. 18, s. 320.

Clerk not to
have casting
vote as to cer-
tain by-laws.

319. Where the assent of the electors, or of the ratepayers, or a proportion of them, is necessary to the validity of a by-law, the clerk or other officer shall not be entitled to give a casting vote. 46 V. c. 18, s. 321.

Requisites to
validity of
certain bonus
by-laws.

320.—(1) To render valid a by-law of a municipality for granting a bonus in aid of a railway or for promoting any manufacture, or for taking stock in a railway company, or for lending money to such company, or for guaranteeing the payment of money borrowed by such company, or for lending money to any other company or person on condition of such company or person establishing or continuing a manufactory in or near such municipality, the assent shall be necessary of two-fifths of all ratepayers, who were entitled to vote, as well as of a majority of the ratepayers voting on the by-law.

(2) In such case, in addition to the certificate required by section 318 of this Act, the clerk, in case of the majority of votes being in favour of the by-law, shall further certify whether or not, as far as shewn by the voters' list and assessment roll, such majority appears to be two-fifths of all the voters who were entitled to vote on the by-law.

(3) In case of dispute as to the result of the vote, the Judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

(4) The petition to the Judge may be by any elector, or by the council; and the proceedings for obtaining the Judge's decision shall be the same, as nearly as may be, as in the case of a scrutiny. 46 V. c. 18, s. 322.

Secrecy of Proceedings.

321.—(1) Every officer, clerk and person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place. Maintaining secrecy of proceedings at polling.

(2) No officer, clerk or other person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain, at the polling place, information as to the manner in which any voter at such polling place is about to vote or has voted. Voter not to be interfered with.

(3) No officer, clerk, or other person shall communicate at any time, to any person, any information obtained at a polling place, as to the manner in which any voter at such polling place is about to vote or has voted. No information to be given as to how any one voted.

(4) Every officer, clerk and person in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting, as to the manner in which any vote is given in any particular ballot paper. Secrecy to be maintained at counting.

(5) No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked the same, so as to make known to any person the manner in which he has marked his vote. Voters not to be induced to disclose votes.

(6) Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. 46 V. c. 18, s. 323. Penalty for contravening this section.

322. The clerk of the municipality, and every officer, clerk or person authorized to attend a polling place, or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy, in the presence, if he is the clerk of the municipality, of a Justice of the Peace, and if he is any other officer, or a clerk or an agent, in the presence of a Justice of the Peace, or the clerk of the municipality, or a deputy-returning officer; and such statutory declaration of secrecy shall be in the form given in Schedule M to this Act, or to the like effect. 46 V. c. 18, s. 324. Statutory declaration of secrecy to be made by officers, etc., before a poll.

Scrutiny.

323. If within two weeks after the clerk of the council which proposed the by-law has declared the result of the voting, any elector applies upon petition to the County Judge after giving such notice of the application, and to such persons as the Judge directs, and shews by affidavit to the Judge reasonable grounds for entering into a scrutiny of the ballot papers. Scrutiny may be had on application to County Judge.

and the petitioner enters into a recognizance before the Judge in the sum of \$100, with two sureties (to be allowed as sufficient by the Judge upon affidavit of justification), in the sum of \$50 each, conditioned to prosecute the petition with effect, and to pay the party against whom the same is brought any costs which may be adjudged to him against the petitioner, the Judge may appoint a day and place, within the municipality, for entering into the scrutiny. 46 V. c. 18, s. 325.

Notice of time
of scrutiny.

324. At least one week's notice of the day appointed for the scrutiny, shall be given by the petitioner to such persons as the Judge directs, and to the clerk of the municipality. 46 V. c. 18, s. 326.

Proceedings.

325. On the day and at the hour appointed, the clerk shall attend before the Judge with the ballot papers in his custody, and the Judge upon inspecting the ballot papers, and hearing such evidence as he may deem necessary, and on hearing the parties, or such of them as may attend, or their counsel, shall, in a summary manner, determine whether the majority of the votes given, is for or against the by-law, and shall forthwith certify the result to the council. 46 V. c. 18, s. 327.

Powers of
Judge.

326. The Judge shall on the scrutiny possess the like powers and authority, as to all matters arising upon the scrutiny, as are possessed by him upon a trial of the validity of the election of a member of a municipal council; and in all cases costs shall be in the discretion of the Judge, as in the case of applications to quash a by-law, or he may apportion the costs as to him seems just. 46 V. c. 18, s. 328.

Costs.

Passing by-laws by Council.

By-law carried
by voters to be
passed by
council.

327. A by-law which is duly carried by the vote of the qualified electors, shall within six weeks thereafter be passed by the council. 46 V. c. 18, s. 329; 49 V. c. 37, s. 6.

The passing of
the by-law
stayed on pre-
senting of a
petition.

328. In case of a petition being presented, the by-law shall not be passed by the council until after the petition has been disposed of; and the time which intervenes between the presenting of the petition and the final disposal thereof shall not be reckoned as part of the six weeks within which the by-law is to be passed. 46 V. c. 18, s. 330.

DIVISION IV.—CONFIRMATION OF BY-LAWS.

By publication. Sec. 329.

Notice. Sec. 330.

When not moved against. Sec. 331.

329. Every promulgation of a by-law shall consist in the publication, through the public press, of a true copy of the by-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the Courts to quash the same or any part thereof, and the publication aforesaid shall be in such public newspaper, published either within the municipality or in the county town, or in a public newspaper published in an adjoining local municipality, as the council may designate by resolution, and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper, each week, for three successive weeks. 46 V. c. 18, s. 331.

330. The notice to be appended to every copy of the by-law for the purpose aforesaid, shall be to the effect following:

NOTICE.—The above is a true copy of a by-law passed by the municipal council of the _____ of _____ on the _____ day of _____ A. D. 18 _____ and approved by His Honour the Lieutenant-Governor in Council, on the _____ day of _____ A. D. 18 _____

(where such approval is required to give effect to the by-law): And all persons are hereby required to take notice that any one desirous of applying to have such by-law, or any part thereof, quashed, must make his application for that purpose to the High Court at Toronto, within three months next after the publication of this notice once a week for three successive weeks, in the newspaper called the _____ or he will be too late to be heard in that behalf.

46 V. c. 18, s. 332.

331. In case no application to quash a by-law is made within three months next after the third publication thereof and notice as aforesaid, the by-law, or so much thereof as is not the subject of any such application, or not quashed upon such application, so far as the same ordains, prescribes or directs anything within the proper competence of the council to ordain, prescribe or direct, shall, notwithstanding any want of substance or form, either in the by-law itself, or in the time or manner of passing the same, be a valid by-law. 46 V. c. 18, s. 333.

DIVISION V.—QUASHING BY-LAWS.

How to proceed. Sec. 332.

Time limited for applications. Secs. 333, 334.

Motion against for corrupt practices. Secs. 335, 336.

Staying proceedings upon the by-law. Sec. 337.

Liability of Municipality for acts under illegal by-law. Sec. 338.

Tender of amends. Sec. 339.

332. In case a resident of a municipality, or any other person interested in a by-law, order or resolution of the council

Promulgation of by-laws.

Form of notice to be appended with by-law.

If not moved against within the time limited, to be valid.

Quashing by-laws.

thereof, applies to the High Court, and produces to the Court a copy of the by-law, order, or resolution, certified under the hand of the clerk, and under the corporate seal, and shews by affidavit that the same was received from the clerk, and that the applicant is resident, or interested as aforesaid, the Court, after at least four days service on the corporation of a rule to shew cause in this behalf, may quash the by-law, order, or resolution, in whole or in part, for illegality, and, according to the result of the application, award costs for or against the corporation. 46 V. c. 18, s. 334.

Time within which application must be made.
Exception.

333. No application to quash a by-law, order or resolution, in whole or in part, shall be entertained unless the application is made within one year from the passing of the by-law, order or resolution, except in the case of a by-law requiring the assent of electors or ratepayers, when the by-law has not been submitted to, or has not received the assent of, the electors or ratepayers, and in such case an application to quash the by-law may be made at any time. 46 V. c. 18, s. 335.

Time after which by-law imposing a rate cannot be quashed, if promulgated.

334. In case a by-law, by which a rate is imposed, has been promulgated in the manner hereinbefore specified, no application to quash the by-law shall be entertained after the expiration of three months from the promulgation. 46 V. c. 18, s. 336.

Quashing by-laws obtained by bribery, etc.

335. Any by-law the passage of which has been procured through, or by means of, any violation of the provisions of sections 209 and 210 of this Act shall be liable to be quashed upon an application to be made in conformity with the provisions hereinbefore contained. 46 V. c. 18, s. 337.

Procedure in such case.

336.—(1) Before determining an application for the quashing of a by-law, upon the ground that any of the provisions of the said sections 209 and 210 of this Act have been contravened in procuring the passing of the same, and if it is made to appear to a Judge of the High Court that probable grounds exist for a motion to quash the by-law, the Judge may make an order for an inquiry to be held, upon such notice to the parties affected as the Judge may direct, concerning the said grounds, before the Judge of the County Court of the county in which the municipality which passed the by-law is situate, and require that upon the inquiry all witnesses, both against and in support of the by-law, be orally examined and cross-examined upon oath before the County Court Judge.

Inquiry by County Judge.

Return of evidence.

(2) The County Court Judge shall thereupon return the evidence so taken before him, to one of the Registrars of the High Court at Toronto; and after the return of the evidence, and upon reading the same, a Judge of the High Court may, upon notice to such of the parties concerned as he thinks proper, proceed to hear and determine the question; and if the grounds therefor appear to him to be satisfactorily established,

Judgment.

he may make an order for quashing the by-law, and he may order the costs attending the proceedings to be paid by the parties or any of them who have supported the by-law; and if it appears that the application to quash the by-law ought to be dismissed, the Judge may so order, and in his discretion award costs, to be paid by the persons applying to quash the by-law. 46 V. c. 18, s. 338.

337. After an order has been made by a Judge directing an inquiry, and after a copy of the order has been left with the clerk of the corporation of which the by-law is in question, all further proceedings upon the by-law shall be stayed until after the disposal of the application in respect of which the inquiry has been directed; but if the matter is not prosecuted to the satisfaction of the Judge he may remove the stay of proceedings. 46 V. c. 18, s. 339.

338. In case a by-law, order or resolution is illegal, in whole or in part, and in case anything has been done under it which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing, of the intention to bring the action, has been given to the corporation, and every such action, shall be brought against the corporation alone, and not against any person acting under the by-law, order or resolution. 46 V. c. 18, s. 340.

339. In case the corporation tenders amends to the plaintiff or his solicitor, if such tender is pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the verdict, and the balance due to either party shall be recovered as in ordinary cases. 46 V. c. 18, s. 341. *See sec. 430.*

DIVISION VI.—BY-LAWS CREATING DEBTS.

Requisite formalities. Secs. 340-342.

Principal may be repayable by annual instalments. Sec. 342.

Special rates a charge on property. Sec. 343.

Assent of electors, when required. Sec. 344.

When special Council meeting requisite. Sec. 345.

When repealable and when not. Secs. 346, 347.

Illegal repeal to be ignored by Municipal Officers. Sec. 348.

Purchase of Public Works, etc., by Councils. Sec. 349.

Rates to be imposed therefor. Sec. 350.

Registration of By-laws. Secs. 351-356.

340. Every municipal council may, under the formalities required by law, pass by-laws for contracting debts, by borrowing money or otherwise, and for levying rates for payment of such

- Terms of.** debts on the ratable property of the municipality, for any purpose within the jurisdiction of the council, but no such by-law shall be valid which is not in accordance with the following restrictions and provisions, except in so far as is otherwise provided in the next following two sections of this Act:
- When to take effect.** 1. The by-law, if not creating a debt for the purchase of public works, shall name a day in the financial year in which the same is passed when the by-law is to take effect; and if no day is named shall take effect on the day of the passing thereof;
- When debt to be redeemed.** 2. If not contracted for gas or water-works, or for the purchase of public works, according to the statutes relating thereto, the whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at furthest, from the day on which such by-law takes effect; and if the debt is contracted for gas or water-works, the same shall, in like manner, be paid in thirty years at furthest from the day on which the by-law takes effect;
- If for gas or water works, etc.**
- Yearly rate.** 3. The by-law shall settle a certain specific sum to be raised annually, for the payment of interest during the currency of the debentures; also, a certain specific sum to be raised annually for the payment of the debt; such sum to be such as will be sufficient with the estimated interest on the investments thereof, to discharge the debt when payable;
- Interest on investments how estimated.** 4. In settling the sum to be raised annually for the payments of the debt, the rate of interest on investments shall not be estimated at more than five per cent. per annum, to be capitalized yearly;
- Property on which rate to be levied.** 5. The by-law shall provide that such annual sum shall be raised and levied in each year by a special rate, sufficient therefor, on all the ratable property in the municipality; or, if the by-law is for a work payable by local assessment, on all the property ratable under the by-law or per foot frontage as the case may be;
- Recitals:** 6. The by-law, unless it is for a work payable by local assessment, shall recite:
- Amount and object of debt:** (a) The amount of the debt which the new by-law is intended to create, and, in some brief and general terms, the object for which it is to be created;
- Amount to be raised annually;** (b) The total amount required by this Act to be raised annually by special rate for paying the new debt and interest;
- The value of the ratable property;** (c) The amount of the whole ratable property of the municipality according to the last revised, or revised and equalized assessment roll;
- Amount of existing debt.** (d) The amount of the existing debenture debt of the municipality, and how much (if any), of the principal or interest is in arrear. 46 V. c. 18, s. 342.

341.—(1) If the by-law is for a work payable by local assessment, it shall recite :

By-law for a work payable by local assessment must recite :

(a) The amount of the debt which the by-law is intended to create, and, in some brief and general terms, the object for which it is to be created ;

Amount and object of debt,

(b) The total amount, required by this Act to be raised annually by special rate for paying the debt and interest under the by-law ;

Amount to be raised annually :

(c) The value of the whole real property ratable under the by-law, as ascertained and finally determined as aforesaid ;

Value of real property ratable :

(d) That the debt is created on the security of the special rate settled by the by-law, and on that security only. 46 V. c. 18, s. 343.

That debt created on security of special rate.

(2) In the matter of by-laws passed, or to be passed for works payable by local assessment, in order to facilitate the negotiation of debentures issued thereunder, and add to their commercial value, the council of any township, city, town, or incorporated village, may declare that the debt to be created on the security of the special rate settled by the by-law is further guaranteed by the municipality at large, anything contained in sub-section (d) of this section to the contrary notwithstanding. 49 V. c. 37, s. 39 ; 50 V. c. 29, s. 48.

Power to guarantee local improvement debentures.

342.—(1) In any case of passing a by-law for contracting a debt, by borrowing money for any purpose, the municipal council may, in its discretion, make the principal of the debt repayable by annual instalments, during the currency of the period (not exceeding thirty years, if the debt is for gas or water works, and not exceeding twenty years if the debt is for any other purpose), within which the debt is to be discharged ; such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period ; and may issue the debentures of the municipal corporation for the amounts, and payable at the times, corresponding with such instalments, together with interest, annually or semi-annually, as may be set forth and provided in the by-law.

Municipal council may make principal repayable by equal annual instalments.

(2) The by-law shall set forth a certain specific sum, to be raised in each year during the currency of the debt, which annual sum shall be sufficient to discharge the several instalments of principal and interest accruing due on such debt, as the said instalments and interest become, respectively, payable according to the terms of the by-law ; and in cases within this section it shall not be necessary that any provision be made for a sinking fund. 46 V. c. 18, s. 344.

What by-law shall set out.

Special rates
a charge on
property.

343. Every special assessment made, and every special rate imposed and levied, under any of the provisions of this Act, and all sewer rents and charges for work or services done by the corporation, on default of the owners of real estate, under the provisions of any valid by-law of the council of the said corporation, shall form a lien and charge upon the real estate upon, or in respect of which, the same shall have been assessed and rated or charged, and shall be collected in the same manner, and with the like remedies, as ordinary taxes upon real estate are collectable, under the provisions of *The Assessment Act*. 46 V. c. 18, s. 345.

Rev. Stat. c.
193.

By-laws for
raising money
not for ordin-
ary expenses
must (with
certain excep-
tions) receive
assent of elec-
tors.

Exception
as to by-laws
for contracting
extra debts not
exceeding in
any year
\$20,000.

344.—(1) Every by-law (except for drainage, as provided for under section 569 of this Act, or for a work payable entirely by local assessment) for raising, upon the credit of the municipality, any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the electors of the municipality in the manner provided for in section 293 and following sections of this Act; except that in counties the county council may raise, by by-law or by-laws, without submitting the same for the assent of the electors of such county or counties, for contracting debts or loans, any sum or sums not exceeding in any one year \$20,000 over and above the sums required for its ordinary expenditure.

Exception as
to erecting
court houses
and offices.

(2) Provided always, that where a county and city are united for judicial purposes the council of the county or city may, by by-law or by-laws passed at any meeting of such council, without submitting the same for the assent of the electors of such county or city, as the case may be, for contracting such debt, raise such sums of money as may be required for erecting, building and furnishing a court house and offices, to be used in connection therewith, and for acquiring such land as may be necessary or convenient for the purposes of such court house and offices. 46 V. c. 18, s. 346.

Exception as
to payment by
a city or town
of share of
county debt.

(3) And provided always that the council of a town heretofore or hereafter withdrawn from the county, and continuing so withdrawn pursuant to the provisions hereof, or of a city heretofore or hereafter erected, may, by by-law or by-laws passed at any meeting of such council, without submitting the same for the assent of the electors of such town or city as the case may be, raise such sum or sums of money as may be required to liquidate their share of the county debt as awarded or agreed upon pursuant to this Act, and to issue debentures for that purpose at such rates, for such times and upon such terms as they may theretofore have done, or be entitled to do for meeting any other liability of said town or city as the case may be. 49 V. c. 37, s. 7.

345. No such by-law of a county council for contracting any such debt or loan for an amount not exceeding in any one year \$20,000 over and above the sums required for its ordinary expenditure, other than a by-law to raise money for erecting, building and furnishing a court house and offices aforesaid, or for acquiring land as provided in sub-section 2 of the last preceding section, shall be valid, unless the same is passed at a meeting of the council specially called for the purpose of considering the same, and held not less than three months after a copy of the by-law, as the same is ultimately passed, together with a notice of the day appointed for the meeting, has been published in some newspaper issued weekly or oftener within the county (as constituted for judicial purposes) or if there is no such public newspaper, then in a public newspaper published nearest to the county, which said notice may be to the effect following:

The above is a true copy of a proposed by-law, to be taken into consideration by the Municipality of the County (or United Counties) of _____, in the said County (or United Counties), on the _____ day of _____, 18____, at the hour of _____ o'clock in the _____ noon, at which time and place the members of the Council are hereby required to attend for the purpose aforesaid.

G. H.
Clerk.

46 V. c. 18, s. 347.

346. Where part only of a sum of money provided for by a by-law has been raised, the council may repeal the by-law as to any part of the residue, and as to a proportionate part of the special rate imposed therefor, provided the repealing by-law recites the facts on which it is founded, and is appointed to take effect on the 31st day of December in the year of its passing, and does not affect any rates due, or penalties incurred before that day, and provided the by-law is first approved by the Lieutenant-Governor in Council. 46 V. c. 18, s. 348.

347. After a debt has been contracted, the council shall not, until the debt and interest have been paid, repeal the by-law under which the debt was contracted, or any by-law for paying the debt or the interest thereon, or for providing therefor a rate or additional rate, or appropriating thereto the surplus income of any work or of any stock or interest therein, or money from any other source; and the council shall not alter a by-law providing any such rate, so as to diminish the amount to be levied under the by-law, except in the cases herein authorized, and shall not apply to any other purpose any money of the corporation which, not having been previously otherwise appropriated by any by-law or resolution, has been directed to be applied to such payment. 46 V. c. 18, s. 349.

No officer to neglect, etc., to carry out by-law for payment under colour of illegal by-law.

348. No officer of the municipality shall neglect or refuse to carry into effect a by-law for paying a debt under colour of a by-law illegally attempting to repeal such first mentioned by-law, or to alter the same so as to diminish the amount to be levied under it. 46 V. c. 18, s. 350.

Municipal councils may purchase public works, etc., and contract debts to Crown.

349. Any council may contract a debt to Her Majesty in the purchase of any of the public roads, harbours, bridges, buildings or other public works in Ontario, whether belonging to this Province or to the Dominion of Canada, or of any claim in respect of such works, or of any right to collect tolls on such road or bridge, or for the making such road or bridge wholly or partly free from tolls, and may execute such bonds, deeds, covenants, and other securities to Her Majesty, as the council may deem fit, for the payment of the price of such public work or claim already sold or transferred, or which may be sold or transferred, or agreed to be sold or transferred to the municipal corporation, and for securing the performance and observance of all or any of the conditions of sale or transfer; and may also pass all necessary by-laws for any of the purposes aforesaid; and all such by-laws, debts, bonds, deeds, covenants and other securities shall be valid, although no special or other annual rate has been settled or imposed, to be levied in each year, as provided by sections 340 to 342 of this Act. 46 V. c. 18, s. 351; 49 V. c. 37, s. 8.

although no special or other annual rate settled.

350. The council may, in any by-law to be passed for the creation of such debt, or for the executing of such bonds, deeds, covenants, or other securities as aforesaid, to Her Majesty, or in any other by-law to be passed by the council, settle and impose a special rate per annum, of such amount as the council may deem expedient, in addition to all other rates whatsoever, to be levied in each year upon the assessed ratable property within the municipality, for the payment and discharge of such debts, bonds, deeds, covenants or other securities, or some part thereof, and the by-laws shall be valid, although the rate settled or imposed thereby is less than is required by the sections last mentioned; and the said sections shall, so far as applicable, apply and extend to every such by-law, and the moneys raised or to be raised thereby, as fully in every respect as such provisions would extend or apply to any by-law enacted by any council for the creation of any debt as provided in the said sections, or to the moneys raised or to be raised thereby. 46 V. c. 18, s. 352.

Rates may be imposed for the payment of debts contracted with the Crown for such works.

Registration of By-Laws.

By-laws creating debts to be registered.

351. Every by-law passed by any municipality for contracting any debt, by the issue of debentures for a longer term than one year, and for levying rates for the payment of such debts, on the ratable property of the municipality, or any part thereof, shall be registered by the clerk of the municipality,

if a county, in the registry office for the county in which the county town is situate, or in case of local municipalities in the registry office of the registry division in which the local municipality is situate, within two weeks after the final passing thereof. 46 V. c. 18, s. 353.

352.—(1) Every such by-law so registered and the debentures issued thereunder, shall be absolutely valid and binding upon the municipality, according to the terms thereof, and shall not be quashed or set aside on any ground whatever, unless an application to set aside registration.
application or action to quash or set aside the same be made to some Court of competent jurisdiction, within three months from the registry thereof, and a certificate under the hand and seal of the clerk of the Court, stating that such action or proceeding has been brought or application made, shall have been registered in said registry office within the period of three months.

(2) If the action or proceeding be dismissed, in whole or in part, then the by-law or so much thereof as is not the subject of the application, or not quashed upon the application, shall be absolutely valid and binding, according to the terms thereof, on the expiration of three months from the date of the registration of the by-law; upon the dismissal of such action or proceeding, a certificate to that effect may be registered in the said registry office.
When by-law, or so much thereof as is not quashed, to be valid.
Certificate of dismissal of action.

(3) Notice of the passing of every by-law to which this and the preceding section refer, and which has not been submitted to the ratepayers, shall immediately after the registration of the by-law be published in some public newspaper, published either within the municipality, or in the county town, or in a public newspaper in an adjoining local municipality, as the council may designate by resolution, and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper each week, for three successive weeks. 46 V. c. 18, s. 354. See sec. 408.
Publication of notice.

353. Nothing in the last preceding two sections contained shall make it obligatory upon any city, town, or incorporated village to register any by-laws providing for the issue of debentures, passed under the provisions of this Act relating to local improvements, but the same may be so registered at the option of the municipality. 46 V. c. 18, s. 355.
Exception as to local improvement by laws.

354. The notice required to be published by section 352, shall be in the form following or to the like effect:
Form of notice.

Notice is hereby given that a by-law was passed by the _____ of _____
of _____ on the _____ day of _____
A.D. 18 _____, providing for the issue of debentures to the amount of \$ _____,
for the purpose of _____ and that such by-law was registered in
the registry office of _____ the county of _____ on
the _____ day of _____ A.D. 18 _____.

Any motion to quash or set aside the same or any part thereof, must be made within three months from the date of registration, and cannot be made thereafter.

Dated the _____ day of _____ 18

Clerk.

46 V. c. 18, s. 356.

Manner of
registration.
Rev. Stat. c.
186.

355. The by-laws shall be registered in the way and manner provided by *The Debentures Registration Act*, and the registrar shall be paid the sum of \$2 for registration thereof. 46 V. c. 18, s. 357.

Form of cer-
tificate of
pending
action.

356.—(1) The certificate first referred to in section 352, shall be in the form or to the effect following :

In the _____ (name of Court)

This is to certify that in a certain action or proceeding in this Court, entitled _____ the validity of by-law No. _____ of the _____ entitled a by-law has been called in question (if a portion only of the by-law is called in question, state the fact).

Dated,

(Signed), A.B.
Clerk of

{ Seal. }

Form of cer-
tificate of dis-
missal of
action.

(2) The certificate of dismissal of the action or proceeding shall be in the form or to the effect following :

In the _____ (name of Court)

I hereby certify that the action or proceeding in this Court, entitled _____ calling in question the validity of _____ by-law No. _____ of the _____ has been dismissed (or if dismissed in part and granted in part, set out the order made, verbatim).

Dated

(Signed), A.B.
Clerk of

{ Seal. }

Fee for regis-
tration.

(3) The registrar shall be entitled to the sum of fifty cents for registering either of said certificates. 46 V. c. 18, s. 358.

DIVISION VII.—BY-LAWS RESPECTING YEARLY RATES.

Amount and Limit of Rates. Sec. 357.

How estimated. Sec. 358.

Estimates and By-laws to be annual. Secs. 359, 360.

In case of deficiency. Secs. 361, 362.

In case of excess. Sec. 363.

Date from which Taxes imposed. Sec. 364.

Priority of Debentures. Sec. 365.

Power to Exempt from taxation. Sec. 366.

Reduction of Special Rate. Sec. 367.

Formalities in By-law therefor. Sec. 368.

357.—(1) The council of every municipal corporation, and of every provisional corporation, shall assess and levy on the whole ratable property within its jurisdiction, a sufficient sum in each year to pay all valid debts of the corporation, whether of principal or interest, falling due within the year, but no such council shall assess and levy in any one year, more than an aggregate rate of two cents in the dollar on the actual value, exclusive of school rates.

Yearly rates to be levied, sufficient to pay all debts payable within the year.
Aggregate rate limited to two cents in the dollar.

(2) If in a municipality the aggregate amount of the rates necessary for the payment of the current annual expenses of the municipality, and the interest and the principal of the debts contracted by the municipality on the 29th day of March, 1873, exceed the said aggregate rate of two cents in the dollar on the actual value of such ratable property, the council of the municipality shall levy such further rates as may be necessary to discharge obligations up to that date incurred, but shall contract no further debts until the annual rates required to be levied within the municipality are reduced within the aggregate rate aforesaid: but this shall not affect any special provisions to the contrary contained in any special Act now or hereafter in force. 46 V. c. 18, s. 359.

Provision when such aggregate not sufficient to pay debts payable within the year.

358. In counties and local municipalities the rates shall be calculated at so much in the dollar upon the actual value of all the real and personal property liable to assessment therein. 46 V. c. 18, s. 360.

How rates to be calculated.

359. The council of every county or local municipality shall every year make estimates of all sums which may be required for the lawful purposes of the county or local municipality, for the year in which such sums are required to be levied, each municipality making due allowance for the cost of collection, and of the abatement and losses which may occur in the collection of the tax, and for taxes on the lands of non-residents which may not be collected. 46 V. c. 18, s. 361.

Estimates to be made annually.

360. The council of every municipality may pass one by-law, or several by-laws, authorizing the levying and collecting of a rate or rates of so much in the dollar upon the assessed value of the property therein as the council deems sufficient to raise the sums required on such estimates. 46 V. c. 18, s. 362.

By-laws for raising money by rate.

361. If the amount collected falls short of the sums required, the council may direct the deficiency to be made up from any unappropriated fund belonging to the municipality. 46 V. c. 18, s. 363.

If the amount collected falls short.

362. If there is no unappropriated fund, the deficiency may be equally deducted from the sums estimated as required or from any one or more of them. 46 V. c. 18, s. 364.

Estimates may be reduced.

When sums collected exceed estimate, appropriation of the balance.

363. If the sums collected exceed the estimates, the balance shall form part of the general fund of the municipality, and be at the disposal of the council, unless otherwise specially appropriated; but if any portion of the amount in excess has been collected on account of a special tax upon any particular locality, the amount in excess collected on account of such special tax shall be appropriated to the special local object. 46 V. c. 18, s. 365.

Yearly taxes to be computed from 1st January, unless otherwise ordered.

364. The taxes or rates imposed or levied for any year shall be considered to have been imposed, and to be due on and from the 1st day of January of the then current year, and end with the 31st day of December thereof, unless otherwise expressly provided for by the enactment or by-law under which the same are directed to be levied. 46 V. c. 18, s. 366.

Priority of debentures.

365.—(1) All debentures issued before the 1st day of January, 1867, by municipal corporations, under any by-law, and based upon the yearly value of ratable property at the time of passing such by-law, shall hold the order of priority which they occupied on the said 1st day of January, 1867; and each municipal corporation (having so issued debentures) shall levy a rate on the actual real value of the ratable property within the municipality represented, sufficient to produce a sum equal to that leviable or produced on the yearly value of such property as established by the assessment roll for the year 1866; and such rates shall be applied solely to the payment of such debentures, or interest on such debentures, according to the terms of the by-law under which they were issued.

How rates for paying them to be calculated.

To be applied solely to such purposes.

Rate for sinking fund.

(2) In cases where a sinking fund is required to be provided, either by the investment of a specific rate or amount, or on a rate on the increase in value over a certain sum, then such a rate shall be levied as shall at least equal the sum originally intended to be set apart. 46 V. c. 18, s. 367.

Exemption of manufactories or water works from taxation.

366. Every municipal council shall by a two-thirds vote of the members thereof have the power of exempting any manufacturing establishment or any water works or water company in whole or in part, from taxation, for any period not longer than ten years, and to renew this exemption for a further period not exceeding ten years. 47 V. c. 32, s. 8.

[As to granting aid by bonus to manufacturing establishments, see sec. 479 (10).]

When the rate imposed by a by-law may be reduced.

367.—(1) If on account of a sum being on hand from a previous year, or a sum being on hand which has been derived from the work, or from the investment of the sinking fund, or on account of the increased value of property liable to assessment, it is found to be unnecessary to levy the full rate imposed by the by-law, in order to raise the instalment of the

sinking fund and interest required to be raised for any year, or to raise such instalments for any future years of the then unexpired time which the debentures have to run, the council may pass a by-law reducing the rate for such year or for any such future years, so that no more money may be collected than the amount required. 50 V. c. 29, s. 16.

(2) No such by-law shall be passed unless, having regard to the time the debentures have to run, a proper proportion of sinking fund and interest has been levied, according to the intention of the original by-law. 46 V. c. 18, s. 369 (2).

368. No by-law passed under the preceding section shall be valid unless, after it is passed, it is approved by the Lieutenant-Governor in Council; and the facts which authorize the passing of such by-law shall, on its submission for approval, be verified in the manner provided by section 290 of this Act. 46 V. c. 18, s. 370.

By-law to be approved by Lieutenant-Governor.

DIVISION VIII.—ANTICIPATORY APPROPRIATIONS.

When and how made. Secs. 369, 370.

On Separation of Municipalities. Sec. 371.

369. In case any council desires to make an anticipatory appropriation for the next ensuing year in lieu of the special rate for such year, in respect of any debt, the council may do so, by by-law, in the manner and subject to the provisions and restrictions following:

Anticipatory appropriations may be made.

1. The council may carry to the credit of the sinking fund account of the debt, as much as may be necessary for the purpose aforesaid;

What funds may be so appropriated.

(a) Of any money at the credit of the special rate account of the debt beyond the interest on such debt for the year following that in which the anticipatory appropriation is made;

(b) And of any money raised for the purpose aforesaid by additional rate or otherwise;

(c) And of any money derived from any temporary investment of the sinking fund;

(d) And of any surplus money derived from any corporation work or any share or interest therein;

(e) And of any unappropriated money in the treasury;

Such moneys respectively not having been otherwise appropriated.

The sources and application to be stated.

2. The by-law making the appropriations shall distinguish the several sources of the amount, and the portions thereof to be respectively applied for the interest and for the sinking fund appropriation of the debt for such next ensuing year.

When moneys retained sufficient, the yearly rate may be suspended for the ensuing year.

3. In case the moneys so retained at the credit of the special rate account, and so appropriated to the sinking fund account, from all or any of the sources above mentioned, are sufficient to meet the sinking fund appropriation and interest for the next ensuing year, the council may then pass a by-law directing that the original rate for such next ensuing year be not levied. 46 V. c. 18, s. 371.

By-law must recite —

The original debt and object :

370.—(1) The by-law shall not be valid unless it recites —

(a) The original amount of the debt, and in brief and general terms, the object for which the debt was created ;

The amount paid ;

(b) The amount, if any, already paid of the debt ;

The annual amount for sinking fund

(c) The annual amount of the sinking fund appropriation required in respect of such debt ;

The amount for sinking fund in hand :

(d) The total amount, then on hand, of the sinking fund appropriations, in respect to the debt, distinguishing the amount thereof in cash in the treasury from the amount temporarily invested ;

The amount required for interest :

(e) The amount required to meet the interest of the debt for the year next after the making of such anticipatory appropriation ; and

And that it is reserved, etc.

(f) That the council has retained at the credit of the special rate account of the debt a sum sufficient to meet the next year's interest (naming the amount of it), and that the council has carried to the credit of the sinking fund account a sum sufficient to meet the sinking fund appropriation (naming the amount of it) for such year.

By-law to be approved by Lieut.-Governor.

(2) No such by-law shall be valid unless approved by the Lieutenant-Governor in Council. 46 V. c. 18, s. 372.

Anticipatory appropriation for municipalities.

371. After the dissolution of any municipal union, the senior municipality may make an anticipatory appropriation for the relief of the junior municipality, in respect of any debt secured by the by-law, in the same manner as the senior municipality might do on its own behalf. 46 V. c. 18, s. 373.

TITLE III.—RESPECTING FINANCE.

DIV. I.—ACCOUNTS AND INVESTMENTS.

DIV. II.—COMMISSION OF INQUIRY INTO FINANCES.

DIVISION I.—ACCOUNTS AND INVESTMENTS.

*Accounts for Special Rate and Sinking Fund. Sec. 372.**Surplus on Special Rate, Application of. Secs. 373, 374.**Surplus on Special Rate, Investment of. Sec. 375.**General Surplus—Application of. Secs. 376-379.**Members of Corporations not to be parties to investments—Liability for loss. Sec. 380.**Yearly Returns to Government. Secs. 381, 382.*

372. The council of every municipal corporation shall keep in its books two separate accounts, one for the special rate, and one for the sinking fund or for instalments of principal of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted, and shall keep the said accounts, with any others that are necessary, so as to exhibit, at all times, the state of every debt, and the amount of moneys raised, obtained and appropriated for payment thereof. 46 V. c. 18, s. 374.

Two special accounts to be kept: (1) of the special rates; (2) of the sinking fund or instalments of principal.

373. If, after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt, or in payment of any instalment of principal, for any financial year, there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain, and may be applied, if necessary, towards the next year's interest; but if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the sinking fund account, or in payment of principal of such debt. 46 V. c. 18, s. 375.

When surplus may be applied to next year's interest, and to sinking fund.

374. The Lieutenant-Governor in Council may, by order, direct that such part of the produce of the special rate levied, and at the credit of the sinking fund account or of the special rate account as aforesaid, instead of being so invested as hereinafter provided, shall from time to time, as the same accrues, be applied to the payment or redemption, at such value as the said council can agree for, or of any part of such debt or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such order, and the municipal council shall thereupon apply, and continue to apply, such part of the produce of the special rate at the credit of the sinking fund, or special rate accounts, as directed by such order. 46 V. c. 18, s. 376.

Application of moneys with consent of Lieut.-Governor in council.

Investment of surplus moneys raised on special rates.

375.—(1) If any part of the produce of the special rate levied in respect of any debt, and at the credit of the sinking fund account, or of the special rate account thereof, cannot be immediately applied towards paying the debt, by reason of no part thereof being yet payable, the council shall, from time to time, invest the same in government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, or in local improvement debentures of the municipality, or in such other manner as the Lieutenant-Governor in Council may by general or special order direct, or in any other debentures of the municipality which may be approved of by the Lieutenant-Governor in Council by such order; and from time to time, as such securities mature, may invest in other like securities; no sum so invested in mortgages shall exceed two-thirds of the value of the real estate on which it is secured according to the last revised and corrected assessment roll at the time it is invested.

(2) The council of such municipality may regulate, by by-law, the manner in which such investments shall be made.

Sinking fund may be used in purchasing unsold debentures.

(3) It shall not be necessary that any local improvement or other debentures of the municipality referred to in this section shall have been disposed of by the council, but the council may apply the sinking fund to an amount equal to the amount of such debentures for the purposes to which the proceeds of such debentures may be properly applicable, and shall hold the debentures as an investment on account of the sinking fund, and deal with the same accordingly. 47 V. c. 32, s. 9.

Investment of sinking fund.

376. Any council may direct, by by-law, that any surplus moneys in the hands of the treasurer, and not specially appropriated to any other purpose, shall be credited to the sinking fund account of any debenture debt of the municipality, and the council may invest such sinking fund account in any of the securities named in, and according to the provisions of, the preceding section. 46 V. c. 18, s. 378.

Council may apply other funds toward such debts.

377. Every such council may appropriate to the payment of any debt the surplus income derived from any public or corporation work, or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the treasury, or any money raised by additional rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt, or in payment of any instalment accruing due. 46 V. c. 18, s. 379.

Certain moneys may be set apart for educational purposes.

Investment of same.

378.—(1) A municipal corporation having surplus moneys derived from "The Ontario Municipalities Fund," or from any other source, may, by by-law, set such surplus apart for educational purposes, and invest the same, as well as any other moneys held by such municipal corporation for, or by it lawfully ap-

appropriated to, educational purposes, in public securities of the Dominion, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, and from time to time, as such securities mature, may invest in other like securities, or in the securities already authorized by law, as may be directed by such by-law, or by other by-laws passed for that purpose.

(2) No sum so invested shall exceed two-thirds of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll, at the time it is so invested. 46 V. c. 18, s. 380. Proviso as to investment.

379. Any municipal corporation having surplus moneys set apart for educational purposes, may, by by-law, invest the same in a loan or loans, to any board of school trustees within the limits of the municipality, for such term or terms, and at such rate or rates of interest as may be agreed upon by and between the parties to such loan or loans respectively, and may be set forth in such by-law; or may by by-law grant any portion of such moneys, or other general funds, by way of gift to aid poor school sections within the municipality. 46 V. c. 18, s. 381. Loans to school trustees. Aid to poor school sections.

380. No member of a municipal corporation, shall take part in, or in any way be a party to, the investment of such moneys as are mentioned in this Act, by or on behalf of the corporation of which he is a member, otherwise than is authorized by this Act, or by any other law in that behalf made and provided, and such person so doing shall be held personally liable for any loss sustained by the corporation. 46 V. c. 18, s. 382. No members of corporation to be party to investment. Liability for loss.

381. The treasurer of any municipality for which any sum of money has been raised on the credit of the Consolidated Municipal Loan Fund, shall, so long as any part of such sum, or of the interest thereon, remains unpaid by the municipality, transmit to the Treasurer of Ontario, on or before the 15th day of January in every year, a return, certified on the oath of the treasurer before some Justice of the Peace, containing the amount of taxable property in the municipality according to the then last assessment roll or rolls; a true account of all the debts and liabilities of the municipality, for every purpose, for the then last year; and such further information and particulars, with regard to the liabilities and resources of the municipality, as the Lieutenant-Governor in Council may from time to time require, under a penalty, in case of neglect or refusal to transmit the return, account, information or particulars, of \$100, to be recovered, with costs, as a debt due to the Crown. 46 V. c. 18, s. 383. Municipalities indebted to Municipal Loan Fund to make annual returns to Provincial Treasurer. Penalty for default.

Every council to make a yearly report of the corporation debts to the Lieut.-Governor, etc.

382. Every council shall, on or before the 31st day of January in each year, under a penalty of \$20 in case of default, to be paid to the Treasurer of Ontario, transmit to the Lieutenant-Governor, through the Provincial Secretary, an account, in such form as may be prescribed from time to time by the Lieutenant-Governor in Council, of the several debts of the corporation, as they stood on the 31st day of December preceding, specifying in regard to every debt of which a balance remained due at that day :

What such report must shew.

1. The original amount of the debt ;
2. The date when it was contracted ;
3. The days fixed for its payment ;
4. The interest to be paid therefor ;
5. The rate provided for the redemption of the debt and interest ;
6. The proceeds of such rate for the year ending on such 31st day of December ;
7. The portion (if any) of the debt redeemed or paid during such year ;
8. The amount of interest (if any) unpaid on such last mentioned day ; and
9. The balance still due of the principal of the debt. 46 V. c. 18, s. 384.

DIVISION II.—COMMISSION OF INQUIRY INTO FINANCES.

When granted. Sec. 383.

Expenses of. Sec. 384.

When a commission of inquiry may issue.

383. In case one-third of the members of any council, or thirty duly qualified electors of the municipality, petition for a commission to issue under the Great Seal, to inquire into the financial affairs of the corporation, and things connected therewith, and if sufficient cause is shewn, the Lieutenant-Governor in Council may issue a commission accordingly, and the commissioner or the commissioners, or such one or more of them as the commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence, as any Court has in civil cases. 46 V. c. 18, s. 385.

Expenses of such commissions.

384. The expenses to be allowed for executing the commission shall be determined and certified by the Treasurer of Ontario, and shall thenceforth become a debt due to the commis-

sioner or commissioners by the corporation, and shall be payable within three months after demand thereof, made by the commissioner or by any one of the commissioners, at the office of the treasurer of the corporation. 46 V. c. 18, s. 386.

TITLE IV.—ARBITRATIONS.

DIV. I.—APPOINTMENT OF ARBITRATORS.

DIV. II.—PROCEDURE.

DIVISION I.—APPOINTMENT OF ARBITRATORS.

How appointed. Secs. 385-389, 394.

Failure of parties to appoint. Secs. 389, 390.

Respecting real property taken by Corporations. Secs. 391, 392.

Several interests in the same property. Secs. 393, 394.

Award, when to be made. Sec. 395.

Persons disqualified from acting as Arbitrators. Sec. 396.

Compensation for lands taken or injured. See Secs. 483-488.

385. The appointment of all arbitrators shall be in writing under the hands of the appointers, or in case of a corporation, under the corporate seal, and authenticated in like manner as a by-law. 46 V. c. 18, s. 387. Appointment how made.

386. The arbitrators on behalf of a municipal corporation shall be appointed by the council thereof, or by the head thereof, if authorized by a by-law of the council. 46 V. c. 18, s. 388. Council, or head thereof, may appoint for corporation.

387. In cases where arbitration is directed by this Act, either party may appoint an arbitrator, and give notice thereof in writing to the other party, calling upon such party to appoint an arbitrator on behalf of the party to whom such notice is given. A notice to a corporation shall be given to the head of the corporation. 46 V. c. 18, s. 389. Either party may appoint an arbitrator and give notice to opposite party.

388. The two arbitrators appointed by or for the parties shall, within seven days from the appointment of the lastly named of the two arbitrators appoint, in writing, a third arbitrator. 46 V. c. 18, s. 390. Third arbitrator to be appointed.

389. In cases where more than two municipalities are interested, each of them shall appoint an arbitrator, and in such case, if there is an equality of arbitrators, the arbitrators so When more than two municipalities interested.

appointed shall appoint another arbitrator, or in default, at the expiration of twenty-one days after such arbitrators have been appointed, the Lieutenant-Governor in Council may, on the application of any one of the municipalities interested, appoint such arbitrator. 46 V. c. 18, s. 391.

Provision in case of neglect to appoint.

390. In case of an arbitration between municipal corporations, if, for twenty-one days, or in case the arbitration is respecting drainage works, then, if, for twenty days after having received such notice, the party notified omits to appoint an arbitrator; or if, for seven days after the second arbitrator has been appointed, the two arbitrators omit to appoint a third arbitrator, then, in case the arbitration is between townships or between a township and a town or an incorporated village, the Judge of the County Court of the county within which the townships, town or incorporated village are or any of them is situate, or in case the arbitration is between other municipalities, the Lieutenant-Governor in Council may appoint an arbitrator for the party or arbitrators in default, or a third arbitrator, as the case may require. 46 V. c. 18, s. 392.

Arbitration as to real property taken or injured by municipal corporations.

391. In case of an arbitration between a municipal corporation and the owners or occupiers of, or other persons interested in, real property entered upon, taken or used by the corporation in the exercise of any of its powers, or injuriously affected thereby, if, after the passing of the by-law, any person interested in the property appoints, and gives due notice to the head of the council of his appointment of, an arbitrator to determine the compensation to which such person is entitled, the head of the council shall, if authorized by by-law, within seven days appoint a second arbitrator, and give notice thereof to the other party, and shall express clearly in the notice what powers the council intends to exercise with respect to the property, describing it. 46 V. c. 18, s. 393.

Provision if owner of property fails to name arbitrator.

392. In such last mentioned arbitration, if after service on the owner or occupier of, or person so interested in, the property, of a copy of a by-law, certified to be a true copy, under the hand of the clerk of the council, the owner, or occupier, or person so interested, omits for twenty-one days to name an arbitrator, and give notice thereof, as aforesaid, the council or the head, if authorized by by-law, may name an arbitrator on behalf of the council, and give notice thereof to the owner, occupier or person so interested, and the latter shall, within seven days thereafter, name an arbitrator on his behalf. 46 V. c. 18, s. 394.

Where several parties have distinct interests in the same property.

393. In case there are several persons having distinct interests in property in respect of which the corporation is desirous of exercising the powers referred to in section 391 under a by-law in that behalf passed, whether such persons are

all interested in the same piece of property, or some or one in a part thereof, and some or one in another part thereof, and in case the by-law or any subsequent by-law provides that the claims of all should, in the opinion of the council, be disposed of by one award, such persons shall have twenty-one (instead of seven) days to agree upon, and give notice of, an arbitrator jointly appointed in their behalf, before the County Court Judge shall have power to name an arbitrator for them. 46 V. c. 18, s. 395.

394. If such owner, occupier or person so interested, or the head of such council, whether from want of authority in that behalf, or otherwise, omits to name an arbitrator within seven days after receiving notice to do so, or if the persons having distinct interests as aforesaid omit to name an arbitrator within twenty-one days after receiving notice to do so, or if the two arbitrators do not within seven days from the appointment of the lastly named of the two arbitrators agree on a third arbitrator, or if any of the arbitrators refuse or neglect to act, the Judge of the County Court of the county in which the property is situated, on the application of either party, shall nominate as an arbitrator a fit person, resident without the limits of the municipality in which the property in question is situated, to act for the party failing to appoint, or as such third arbitrator, or in the stead of the arbitrator refusing or neglecting to act, and such arbitrators shall forthwith proceed to hear and determine the matters referred to them. 46 V. c. 18, s. 396.

County Court Judge to appoint arbitrator in certain cases.

395. In any of the cases herein provided for, the arbitrators shall make their award within one month after the appointment of the third arbitrator. 46 V. c. 18, s. 397.

Time for making award.

396.—(1) No member, officer or person in the employment of any corporation which is concerned or interested in any arbitration, nor any person so interested, shall be appointed or act as an arbitrator in any case of arbitration under this Act. 46 V. c. 18, s. 398.

Persons disqualified from acting as arbitrators.

(2) Nothing in this section contained shall prevent the appointment of or disqualify as an arbitrator any person by reason merely that such person is a ratepayer of or within any municipality concerned or interested in the arbitration unless the arbitration relates to drainage under the provisions of this Act, or *The Ontario Drainage Act*. 48 V. c. 39, s. 9.

Rev. Stat. c. 36.

DIVISION II.—PROCEDURE.

Oath of Arbitrator. Sec. 397.

Time of Meeting. Sec. 398.

Form of Award. Secs. 398, 404.

Registration of Award. Sec. 398.

Costs. Sec. 399.

Majority to decide. Sec. 400.

Evidence. Sec. 401.

Award, when adoption by By-law required. Sec. 402.

Award, power of Courts to review after adoption. Sec. 403.

Award, how made, and jurisdiction of Courts. Sec. 404.

Arbitrators to be sworn.

397. Every arbitrator, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or, in case of those who by law affirm, make and subscribe the following affirmation) before any Justice of the Peace :

Form of oath or affirmation.

“ I (A. B.) do swear (or affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises, according to the evidence and my skill and knowledge. So help me God.”

46 V. c. 18, s. 399.

Time of meeting, etc.

398. The arbitrators shall, within twenty days after the appointment of the third arbitrator, meet at such place as they may agree upon, to hear and determine the matter in dispute, with power to adjourn from time to time, and shall make their award in writing, and, if the arbitration is respecting drainage works, in triplicate, which shall be binding on all parties, and one copy thereof shall be filed with the clerk of each of the municipalities interested, and one shall, in case the arbitration is respecting drainage works as aforesaid, be filed with the registrar for the registry division in which the lands affected are situate. 46 V. c. 18, s. 400.

Costs.

399. The arbitrators shall have power to award the payment by any of the parties to the other of the costs of the arbitration, or of any portion thereof, and may either direct the payment of a fixed sum, or that the costs should be taxed on either the scale of the High Court, or of the County Courts, in which case the costs shall be taxed by the officer, in the county, of the proper Court, without any further order, and the amount shall be payable one week after taxation. Revision by the principal officer at Toronto may be had upon one week's notice and an appeal to a Judge in the usual manner. 46 V. c. 18, s. 401.

Majority to decide.

400. In case of a difference between the arbitrators, the decision of the majority of them shall be conclusive. 46 V. c. 18, s. 402.

401. In case of an award under this Act, which does not require adoption by the council, or in case of an award to which a municipal corporation is a party, and which is to be made in pursuance of a submission containing an agreement that this section of this Act should apply thereto, the arbitrator or arbitrators shall take, and immediately after the making of the award shall file, with the clerk of the council, for the inspection of all parties interested, full notes of the oral evidence given on the reference, and also all documentary evidence or a copy thereof; and in case they proceed partly on a view, or any knowledge or skill possessed by themselves or any of them, they shall also put in writing a statement thereof, sufficiently full to allow the Court to form a judgment of the weight which should be attached thereto. 46 V. c. 18, s. 403.

Notes of the evidence adduced to be taken, and filed in certain cases.

Arbitrators acting on their own knowledge, etc., to put statement thereof in writing.

402. In case the award relates to property to be entered upon, taken or used as mentioned in section 391, and in case the by-law did not authorize or profess to authorize any entry or use to be made of the property before an award has been made, except for the purpose of survey, or in case the by-law did give or profess to give such authority, but the arbitrators find that such authority had not been acted upon, the award shall not be binding on the corporation unless it is adopted by by-law, within six weeks after the making of the award; and if the same is not so adopted, the original by-law shall be deemed to be repealed, and the property shall stand as if no such by-law had been made, and the corporation shall pay the costs of the arbitration. 46 V. c. 18, s. 404.

Award to be binding in certain cases, must be adopted by by-law within a certain time.

403.—(1) An award not binding upon the council until adoption, as mentioned in the last preceding section, shall, if adopted, be subject to the jurisdiction of the Court, and to review on the merits, at the instance of the person whose property is affected or taken, in the same manner as is provided by the next following section of this Act, in respect of any award not requiring adoption, and the provisions of sections 401 and 404 shall hereafter extend to every such award.

Power of courts to review awards adopted by councils, etc.

(2) The award may be moved against within one month (excluding vacations) next after the adoption thereof. 47 V. c. 32, s. 10 (1-2).

404. Every award made under this Act shall be in writing under the hands of all or two of the arbitrators, and shall be subject to the jurisdiction of the High Court, as if made on a submission by a bond containing an agreement for making the submission a rule or order of such Court; and in the cases provided for by section 401, the Court shall consider not only the legality of the award but the merits as they appear from the proceedings so filed as aforesaid, and may call for additional

Award to be made by at least two arbitrators, and subject to jurisdiction of High Court.

Powers of the Courts in such matters.

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53.

evidence, to be taken in any manner the Court directs, and may, either without taking such evidence or after taking such evidence, set aside the award, or remit the matters referred, or any of them, from time to time, to the consideration and determination of the same arbitrators, or to any other persons whom the Court may appoint, as prescribed in *The Act respecting Arbitrations and References*, and fix the time within which such further or new award shall be made, or the Court may itself increase or diminish the amount awarded or otherwise modify the award, as the justice of the case may seem to require. 46 V. c. 18, s. 405.

TITLE V.—DEBENTURES AND OTHER INSTRUMENTS.

To be under seal and bear signature of head. Sec. 405.

Railway and Bonus Debentures. Sec. 406.

Defects in form. Secs. 407, 408.

Local Improvement Debentures. Sec. 409.

Transfer of Registered Debentures. Secs. 410-412.

Councils borrowing for current Expenses. Sec. 413.

No issue under \$100. Sec. 414.

Debentures,
bonds, etc.,
how to be
executed.

405. All debentures and other instruments duly authorized to be executed on behalf of a municipal corporation shall, unless otherwise specially authorized or provided, be sealed with the seal of the corporation, and be signed by the head thereof, or by some other person authorized by by-law to sign the same, otherwise the same shall not be valid, and it shall be the duty of the treasurer of the municipality to see that the money collected under the by-law is properly applied to the payment of the interest and principal of the debentures. 46 V. c. 18, s. 406.

In certain
cases, debentures
valid
without corporate
seal, etc.

406. Debentures issued in aid of any railway, or for any bonus, signed or endorsed and countersigned as directed by the by-law, shall be valid and binding on the corporation without the corporate seal thereto, or the observance of any other form with regard to the debenture than such as may be directed in the by-law. 46 V. c. 18, s. 407.

Debentures
valid notwithstanding
defect in form.

407. Debentures issued under the authority of any by-law promulgated under this Act, or any former Municipal Act, shall be valid and binding upon the corporation, notwithstanding any insufficiency in form or otherwise of such by-law, or in the authority of the corporation in respect thereof; Provided that the by-law has received the assent of the

Proviso.

electors where necessary, and no successful application has been made to quash the same within the time limited in the notice of promulgation. 46 V. c. 18, s. 408.

408. Where debentures were issued prior to the first day of February, 1883, by any municipality under a by-law passed by such municipality, and the interest on such debentures, and the principal of such thereof (if any) as shall have fallen due, has been paid for the period of two years or more, by the municipality, the by-law and the debentures issued thereunder, or such thereof as may yet be unpaid, shall be valid and binding upon the corporation, and shall not be quashed or set aside on any ground whatever. 46 V. c. 18, s. 409. *See sec. 352.*

Debentures issued before Feb. 1, 1883, on which payment has been made for two years, shall be valid.

409. Every debenture issued under section 612 of this Act, or under the provisions of any other Act relating to the issue of debentures for local improvement purposes, shall bear on its face the words "Local Improvement Debenture," and shall contain a reference by date and number to the by-law under which it is issued :

Form of debenture for local improvement purposes.

Provided always, that (in order to obviate a difficulty which has been found to prevail in negotiating such local improvement debentures, in consequence of many of the same having to be issued for small and broken amounts), councils may, from time to time, after the passage of the several by-laws covering the several amounts required for particular local improvements as therein specified, and without in any way affecting the liens on the lands therein named and to be improved thereby, further pass a collective or cumulative by-law consolidating such several amounts, and issue the required debentures in a general consecutive issue under such consolidated by-law, apportioning, nevertheless, the amount raised thereby, and crediting each service with the amount previously estimated and named for the same under the individual by-law passed in the first instance ;

Consolidated debenture.

And for the purpose of more readily carrying this proviso into effect, councils desiring to avail themselves of the same, shall insert a clause in such individual by-laws, intimating that the amount of debentures to be issued thereunder is subject to consolidation, and in such case it shall be sufficient to state in said individual by-laws that the said amount of debentures to be issued thereunder shall be issued at so many years from the date of issue of the same, without defining a specific date ; and provided further that no consolidated debentures shall be issued, covering any debentures which may have been issued or sold under any original by-law. 46 V. c. 18, s. 410.

Mode of transfer may be prescribed.

410. Debentures to be issued by any municipal council may contain a provision in the following words :

"This debenture, or any interest therein, shall not, *after* a certificate of ownership has been endorsed thereon by the Treasurer of this Municipal corporation, be transferable, except by entry by the Treasurer or his deputy in the Debenture Registry Book of the said Corporation at the Town (or Village) of _____", or to the like effect.

46 V. c. 18, s. 411.

Debenture registry book.

411. The treasurer of every municipality issuing any debentures containing the provision in the last section mentioned, shall open and keep a debenture registry book, in which he shall enter a copy of all certificates of ownership of debentures, which he may give, and also every subsequent transfer of such debenture ; such entry shall not be made except upon the written authority of the person last entered in such book as the owner of such debenture, or of his executors or administrators, or of his or their lawful attorney, which authority shall be retained by the treasurer and duly filed. 46 V. c. 18, s. 412.

R gistered debentures transferred by entry, etc.

412. After the certificate of ownership has been endorsed as aforesaid, the debenture shall only be transferable by entry, by the treasurer of the municipality or his deputy, in such debenture registry book, from time to time, as transfers of such debenture are authorized by the then owner thereof, or his lawful attorney. 46 V. c. 18, s. 413.

Council may authorize the borrowing of sums to pay current expenses.

413. The council of every municipality may authorize its head, with the treasurer thereof, under the seal of the corporation, to borrow from any person or bank such sums as may be required to meet the then current expenditure of the corporation, until such time as the taxes levied therefor can be collected, and the council shall, by by-law, regulate the amounts to be so borrowed, and the promissory note or notes, covenant, or agreement to be given in security therefor. 46 V. c. 18, s. 414.

Without special authority, no bond, etc., to be given for less than \$100. Proviso.

414. No council shall, unless specially authorized so to do, make or give any bond, bill, note, debenture or other undertaking, for the payment of a less amount than \$100 ; and any bond, bill, note, debenture or other undertaking issued in contravention of this section, shall be void. 46 V. c. 18, s. 415.

TITLE VI.—RESPECTING THE ADMINISTRATION OF JUSTICE AND JUDICIAL PROCEEDINGS.

DIV. I.—JUSTICES OF THE PEACE.

DIV. II.—PENALTIES.

DIV. III.—WITNESSES AND JURORS.

DIV. IV.—CONVICTIONS UNDER BY-LAWS.

DIV. V.—EXECUTION AGAINST MUNICIPAL CORPORATIONS.

DIV. VI.—TENDER OF AMENDS.

DIV. VII.—CONTRACTS WITH MEMBERS OF COUNCIL VOID.

DIV. VIII.—POLICE OFFICE AND POLICE MAGISTRATE.

DIV. IX.—BOARD OF COMMISSIONERS OF POLICE AND POLICE FORCE IN CITIES AND TOWNS.

DIV. X.—COURT HOUSES, GAOLS AND PLACES OF IMPRISONMENT.

DIV. XI.—INVESTIGATION OF CHARGES OF MISCONDUCT IN RELATION TO MUNICIPAL MATTERS. *See p. 1899.*

DIV. XII.—WHEN MAYOR MAY CALL OUT *Posse Comitatus*.

DIVISION I.—JUSTICES OF THE PEACE.

Justices of the Peace, Who are ex officio. Sec. 415.

Jurisdiction of Mayors of Cities and Towns. Sec. 416.

Qualification and Oath of ex officio Justices. Sec. 417.

Jurisdiction of Justices in cases under By-laws. Secs. 418, 419.

415. The head of every council, and the reeve of every town, township, and incorporated village, shall, *ex officio*, be Justices of the Peace for the whole county, or union of counties, in which their respective municipalities lie, and aldermen in cities shall be Justices of the Peace for such cities. 46 V. c. 18, s. 416.

Certain persons to be *ex officio* justices of the peace.

416. The mayor of a town or city where there is no Police Magistrate, shall have jurisdiction, in addition to his other powers, to try and determine all prosecutions for offences against the by-laws of the town or city, and for penalties for refusing to accept office therein or to make the necessary declarations of qualification and office. 46 V. c. 18, s. 417.

Jurisdiction of mayors over certain offences.

417. No warden, mayor, reeve or alderman, after taking the oaths or making the declarations as such, shall be required to have any property qualification, or to take any further oath to enable him to act as a Justice of the Peace. 46 V. c. 18, s. 418.

Qualification of certain officials.

Jurisdiction of justices under by-laws.

418. Every Justice of the Peace for a county shall have jurisdiction in all cases arising under any by-law of any municipality in the county, where there is no Police Magistrate. 46 V. c. 18, s. 419.

Jurisdiction in cases not specially provided for.

419. In case any offence is committed against a by-law of a council, for the prosecution of which offence no other provision is made, any Justice of the Peace having jurisdiction in the locality where the offender resides, or where the offence was committed, whether the Justice is a member of the council or not, may try and determine any prosecution for the offence. 46 V. c. 18, s. 420.

DIVISION II.—PENALTIES.

Recovery and enforcement thereof. Secs. 420-422.

On offences against By-Laws. Sec. 421.

Application of Penalties. Sec. 423.

Recovery and enforcement of penalties.

Imprisonment in default of payment.

420. Every fine and penalty imposed by or under the authority of this Act may, unless where other provision is specially made therefor, be recovered and enforced with costs, by summary conviction, before any Justice of the Peace for the county or of the municipality in which the offence was committed; and in default of payment the offender may be committed to the common gaol, house of correction, or lock-up house of the county or municipality, there to be imprisoned for any time, in the discretion of the convicting Justice, not exceeding (unless where other provision is specially made) thirty days, and with or without hard labour, unless such fine and penalty, and costs, including the costs of the committal, are sooner paid. 46 V. c. 18, s. 421.

Penalties imposed by by-laws.

Award of penalty and costs.

421. The Justice or other authority before whom a prosecution is had for an offence against a municipal by-law, may convict the offender on the oath or affirmation of any credible witness, and shall award the whole or such part of the penalty or punishment imposed by the by-law as he thinks fit, with the costs of prosecution, and may by warrant, under the hand and seal of the Justice or other authority, or in case two or more Justices act together therein, then under the hand and seal of one of them, cause any such pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender. 46 V. c. 18, s. 422.

Commitment in default of distress.

422. In case of there being no distress found out of which the penalty can be levied, the Justice may commit the offender

to the common gaol, house of correction, or nearest lock-up house, for the term, or some part thereof, specified in the by-law. 46 V. c. 18, s. 423.

423. Unless otherwise provided, when the pecuniary penalty has been levied under this Act, one moiety thereof shall go to the informer or prosecutor, and the other moiety to the municipal corporation, unless the prosecution is brought in the name of the corporation, in which case the whole of the pecuniary penalty shall be paid to the corporation. 46 V. c. 18, s. 424.

[*As to summary method of enforcing by-laws, See sec. 482.*]

DIVISION III.—WITNESSES AND JURORS.

Who may be witnesses. Secs. 424, 425.

Ratepayers, members, officers, etc., of Corporations liable to challenge as jurors. Sec. 425.

Compelling attendance of witnesses. Sec. 426.

424. Upon the hearing of any information or complaint exhibited or made under this Act, the person giving or making the information or complaint shall be a competent witness, notwithstanding such person may be entitled to part of the pecuniary penalty on the conviction of the offender, and the defendant, and the wife or husband of such persons opposing or defending, shall also be competent witnesses; and all the said persons shall be compellable to give evidence on the hearing. 46 V. c. 18, s. 425.

425. In any prosecution, action or proceeding in any civil matter to which a municipal corporation is a party, no ratepayer, member, officer or servant of the corporation shall, on account of his being such, be incompetent as a witness; but they, and every of them, shall be liable to challenge as a juror, except where the corporation, the party to the prosecution, action or proceeding, is a county. 46 V. c. 18, s. 426.

426. In prosecuting under any by-law, or for the breach of any by-law, witnesses may be compelled to attend and give evidence in the same manner, and by the same process, as witnesses are compelled to attend and give evidence on summary proceedings before Justices of the Peace in cases tried summarily, under the statutes now in force, or which may be hereafter enacted. 46 V. c. 18, s. 427.

DIVISION IV.—CONVICTIONS UNDER BY-LAWS.

Form of Conviction. Sec. 427.

Form of conviction under by-laws.

427. It shall not be necessary in any conviction made under any by-law of any municipal corporation, to set out the information, appearance or non-appearance of the defendant, or the evidence or by-law under which the conviction is made, but all such convictions may be in the form following :

PROVINCE OF ONTARIO, } BE IT REMEMBERED
County of , } that on the day of A.D.
To Wit. , at , in the County of
, A. B. is convicted before the undersigned, one of Her Majesty's Justices of the Peace in and for the said County, for that the said A. B. (*stating the offence, and time and place, and when and where committed*), contrary to a certain by-law of the Municipality of the of , in the said County of , passed on the day of , A.D. , and intituled (*reciting the title of by-law*); and I adjudge the said A. B., for his said offence, to forfeit and pay the sum of , to be paid and applied according to law, and also to pay to C. D., the complainant, the sum of , for his costs in this behalf. And if the said several sums are not paid forthwith (or on or before the day of *as the case may be*), I order that the same be levied by distress and sale of the goods and chattels of the said A. B.; and in default of sufficient distress, I adjudge the said A. B. to be imprisoned in the Common Gaol of the said County of (or, in the public Lock-up at) for the space of days, unless the said several sums, and all costs and charges of conveying the said A. B. to such Gaol (or Lock-up), are sooner paid.

Given under my hand and seal, the day and year first above written at , in the said County.
(L.S.)

J. M.,
J. P.

46 V. c. 18, s. 428.

DIVISION V.—EXECUTION AGAINST MUNICIPAL CORPORATIONS.

*Proceedings on Writs of Execution. Sec. 428.**Municipal Officers, also Officers of Court. Sec. 429.*

Proceedings on writs of execution against municipal-ities.

428. Any writ of execution against a municipal corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings thereon shall then be the following :

Sheriff to deliver copy of writ and statement of claim to treasurer.

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer, or leave such copy at the office or dwelling-house of that officer, with a statement in writing of the sheriff's fees, and of the amount required to satisfy the execution, including in such amount the interest calculated to some day, as near as is convenient to the day of the service ;

2. In case the amount, with interest thereon from the day mentioned in the statement, is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of the corporation, and shall, in like manner as rates are struck for general municipal purposes, strike a rate sufficient in the dollar to cover the amount due on the execution, with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees, and the collector's percentage, up to the time when the rate will probably be available;

If claim not paid, rate to be struck by Sheriff.

3. The sheriff shall thereupon issue a precept or precepts, under his hand and seal of office, directed to the collector or respective collectors of the corporation, and shall annex to every precept the roll of such rate, and shall by the precept, after reciting the writ, and that the corporation had neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector or collectors, within their respective jurisdictions, to levy such rate at the time and in the manner by law required in respect of the general annual rates;

Sheriff's precept to collector, etc., to levy rate.

4. In case at the time for levying the annual rates next after the receipt of such precept, the collectors have a general rate roll delivered to them for such year, they shall add a column thereto, headed "*Execution rate in A. B. vs. The Township*" (or as the case may be, adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time they are required to make the returns of the general annual rate, return to the sheriff the precept with the amount levied thereon, after deducting their percentage;

Rate rolls.

5. The sheriff shall, after satisfying the execution and all fees thereon, pay any surplus, within ten days after receiving the same, to the treasurer, for the general purposes of the corporation. 46 V. c. 18, s. 429.

Surplus.

429. The clerk, assessors and collectors of the corporation shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act, with respect to such executions, be deemed to be officers of the Court out of which the writ issued, and as such shall be amenable to the Court, and may be proceeded against by attachment, mandamus or otherwise, in order to compel them to perform the duties hereby imposed upon them. 46 V. c. 18, s. 430.

Clerk, assessors and collectors to be officers of the court from which writ issues.

DIVISION VI.—TENDER OF AMENDS.

Tender and payment into Court in actions for negligence.
Sec. 430.

Tender of compensation in actions for negligence.

430. The council of any municipality, upon any claim being made or action brought for damages for alleged negligence on the part of the municipality, may tender, or pay into court, as the case may be, such amount as they may consider proper compensation for the damage sustained, and in the event of the non-acceptance by the claimant of such tender or the amount paid into court, and the action being proceeded with, and a verdict being obtained for no greater amount than the amount so tendered or paid into court, the costs of suit shall be awarded to the defendants, and set off against any verdict which shall have been obtained against them. 46 V. c. 18, s. 431. *See sec. 339.*

DIVISION VII.—CONTRACTS WITH MEMBERS OF COUNCIL
 VOID.

Contracts with Members of Council. Sec. 431.

Contracts by members with the corporation to be held void in any action.

431. In case a member of the council of any municipality, either in his own name or in the name of another, and either alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale in which the corporation is a party interested, the contract, purchase or sale shall be held void in any action thereon against the corporation. 46 V. c. 18, s. 432.

DIVISION VIII.—POLICE OFFICE AND POLICE MAGISTRATE.

(*See Cap. 72.*)

In cities and towns. Sec. 432.

Clerk of. Sec. 433.

Police offices in cities and towns.

432. The council of every town and city shall establish therein a police office; and the Police Magistrate, or in his absence, or where there is no Police Magistrate, the mayor of the town or city, shall attend at such police office daily or at such times and for such period as may be necessary for the disposal of the business brought before him as a Justice of the Peace; but any Justice of the Peace having jurisdiction in a town or city may, at the request of the mayor thereof, act in his stead at the police office. 46 V. c. 18, s. 433 (1).

433. The clerk of the council of every city or town, or such other person as the council of the city or town appoints for that purpose, shall be the clerk of the police office thereof, and perform the same duties and receive the same emoluments as clerks of Justices of the Peace; and in case the said clerk is paid by a fixed salary, the emoluments shall be paid by him to the municipality, and form part of its funds, and such clerk shall be the officer of and under the Police Magistrate. 46 V. c. 18, s. 434.

Clerk of police office, and his duties.

If paid by salary, fees to be paid over to municipality.

DIVISION IX.—BOARD OF COMMISSIONERS OF POLICE AND POLICE FORCE IN CITIES AND TOWNS.

Board, members of. Sec. 434.

Powers of Commissioners as to witnesses. Sec. 435 (1, 2).

Quorum. Sec. 435 (3).

Meetings of Board in Cities to be public. Sec. 435 (4).

Licensing, etc., livery stables, cabs, etc. Sec. 436.

By-laws of, how authenticated and proved. Sec. 437.

Penalties, how recoverable. Sec. 438.

High Bailiffs. Sec. 439.

Police Force, appointment of. Secs. 440, 441.

Police Regulations. Sec. 442.

Duties of Constables. Sec. 443.

Remuneration and Expenses of Police Force. Sec. 444.

Constables in Towns where no Police Commissioners. Sec. 445.

Constables in Incorporated Villages. Sec. 445.

Dissolution of Boards in Towns. Sec. 446.

Constables in Counties and Townships. Sec. 447.

Right of Salaried Constables to Fees. Sec. 448.

Arrests without warrant. Sec. 449.

Suspension from office. Secs. 450, 451.

434. In every city there is hereby constituted a board of commissioners of police, and in every town having a Police Magistrate the council may constitute a like board, and such board shall consist of the mayor, the Judge of the County Court of the county in which the city or town is situate, and the Police Magistrate; and in case the office of County Judge or that of Police Magistrate is vacant, the council of the city shall, and the council of the town may, appoint a person resident therein to be a member of the board, or two persons so resident to be members thereof, as the case may require, during such vacancy; but the council of such town may at any time, by by-law, dissolve and put an end to the board, and thereafter the council shall have and exercise all powers and duties previously had or exercised by the board. 46 V. c. 18, s. 435.

Board of commissioners of police in cities and towns, of whom composed.

Board may
examine
witnesses on
oath.

435.—(1) The commissioners shall have power to summon and examine witnesses on oath on all matters connected with the administration of their duties, and they shall have the same power to enforce the attendance of such witnesses, and to compel them to give evidence as is vested in any Court of law in civil cases. A notice to attend before the board shall be sufficient, if signed by the chairman of the board, or any one of the commissioners.

Privileges of
witnesses.

(2) No party or witness shall be compelled to answer any question by his answer to which he might render himself liable to a criminal prosecution.

Quorum.

(3) A majority of the board shall constitute a quorum, and the acts of a majority shall be considered acts of the board. 50 V. c. 8, Sched.

Meetings in
cities to be
open to public.

(4) All meetings of the board of police commissioners in cities shall be open to the press and the public, unless otherwise decided by the board. 46 V. c. 18, s. 436 (2).

Licensing
livery stables,
cabs, etc., in
cities.

436.—(1) The board of commissioners of police shall in cities license and regulate second-hand stores and junk stores and shall also, in cities, regulate and license the owners of livery stables, and of horses, cabs, carriages, carts, trucks, sleighs, omnibuses and other vehicles used for hire, and shall establish the rates of fare to be taken by the owners or drivers of such vehicles, for the conveyance of goods or passengers, either wholly within the limits of the city, or from any point within the city to any other point not more than three miles beyond said limits, and may provide for enforcing payment of such rates, and for such purposes shall pass by-laws and enforce the same in the manner, and to the extent in which any by-law to be passed under the authority of this Act may be enforced.

(2) The council of a city in which there is no board of commissioners of police, shall have and may exercise by by-law, all the powers conferred upon the board of commissioners by this section. 49 V. c. 37, s. 9.

How by-laws
of board
authenticated
and proved.

437. All by-laws of the board of commissioners of police shall be sufficiently authenticated by being signed by the chairman of the board which passes the same; and a copy of such by-law, written or printed, and certified to be a true copy by any member of the board, shall be deemed authentic, and be received in evidence in any Court of Justice without proof of such signature, unless it is specially pleaded or alleged that the signature to such original by-law has been forged. 46 V. c. 18, s. 438.

May be en-
forced by
penalties, etc.

438. In all cases where the board of commissioners of police are authorized to make by-laws, either under this or any other Act or law, they shall have power in and by such by-laws, to attach penalties for the infraction thereof, to be recov-

How
recovered.

ered and enforced by summary proceedings before the Police Magistrate of the city for which the same are passed, or, in his absence, before any Justice of the Peace having jurisdiction therein, in the manner and to the extent that by-laws of city councils may be enforced under the authority of this Act; and the convictions in such proceedings may be in the form hereinbefore set forth. 46 V. c. 18, s. 439.

439. The council of every city shall appoint a high bailiff, High bailiffs. but may provide, by by-law, that the offices of high bailiff and chief constable shall be held by the same person. 46 V. c. 18, s. 440.

440. The police force in cities and towns having a board Police force in cities and towns. of commissioners of police, shall consist of a chief constable, and as many constables and other officers and assistants as the council from time to time deem necessary, but, in cities, not less in number than the board reports to be absolutely required; but this section shall not affect or apply to a city in which, by the special Act of incorporation thereof, provision is made for the appointment, control and management of the police by the council. 46 V. c. 18, s. 441.

441. The members of the police force shall be appointed Appointment of members of police force. by and hold their offices at the pleasure of the board, and shall take and subscribe the following oath:

I, A. B., do swear that I will well and truly serve our Sovereign Lady Oath of office. the Queen in the office of Police Constable for the
of without favour or affection, malice or ill-will;
and that I will, to the best of my power, cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of Her Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law.

46 V. c. 18, s. 442.

442. The board shall, from time to time, make such regu- Board to make regulations. lations as they may deem expedient for the government of the force, and for preventing neglect or abuse, and for rendering the force efficient in the discharge of all its duties. 46 V. c. 18, s. 443.

443. The constables shall obey all lawful directions, and Constables to be subject to the Board. be subject to the government of the board, and shall be charged with the special duties of preserving the peace, preventing robberies and other felonies and misdemeanours, and apprehending offenders; and shall have generally all the powers and privileges, and be liable to all the duties and responsibilities, which belong, Duties of constables. by law, to constables duly appointed. 46 V. c. 18, s. 444.

444. The council shall appropriate and pay such remunera- Remuneration and contingent expenses. tion for and to the respective members of the force, as may be

required by the board of commissioners of police, and shall provide and pay for all such offices, watch-houses, watch-boxes, arms, accoutrements, clothing and other necessities as the board may from time to time deem requisite and require for the payment, accommodation and use of the force; but this section shall not affect or apply to any city in which by the special Act of incorporation thereof provision is made for the appointment, control and management of the police by the council. 46 V. c. 18, s. 445.

Constables in towns and villages.

445. The council of every town not having a board of commissioners of police shall, and the council of every incorporated village may appoint one chief constable, and one or more constables for the municipality; and the persons so appointed shall hold office during the pleasure of the council. 46 V. c. 18, s. 446.

Dissolution of boards of police commissioners in towns.

446. Where, in a town, there was, on the 24th day of March, 1874, a board of commissioners of police, constituted under the Acts then in force respecting Municipal Institutions in this Province, the council of the said town may, by by-law, dissolve and put an end to the board, and thereafter the council shall have and exercise all powers and duties which might, under said Acts, have been had or exercised by the board; and unless and until so dissolved and put an end to, the board shall have and exercise all the powers and duties which, but for this section, would have been exercised or had by the board. 46 V. c. 18, s. 447.

County and township constables.

447. The council of every county and township may appoint one or more salaried constables for the municipality, to hold office during the pleasure of the council; every such constable, and any city, town or village constable shall have the same powers and privileges, and be subject to the same liability and to the performance of the same duties, and shall be subject also to suspension by the Judge of the County Court in the same manner, and may act within the same limits, as a constable appointed by the Court of General Sessions. 47 V. c. 32, s. 23 (1).

Rights of salaried constables to fees.

448. Where any salaried constable is appointed for any municipality, whether by the municipal council or by police commissioners, the council may agree that such constable shall keep, for his own use, his fees of office, or the council may require that the said fees shall be paid to the municipal treasurer for the use of the municipality. 47 V. c. 32, s. 23 (2).

Arrests by constables for alleged breaches of the peace not committed in their presence.

449. In case any person complains to a chief of police, or to a constable in a town or city, of a breach of the peace having been committed, and in case such officer has reason to believe that a breach of the peace has been committed, though not in his presence, and that there is good reason to apprehend

that the arrest of the person charged with committing the same is necessary to prevent his escape or to prevent a renewal of a breach of the peace, or to prevent immediate violence to person or property, then, if the person complaining gives satisfactory security to the officer that he will without delay appear and prosecute the charge before the Police Magistrate or before the mayor or sitting Justice, such officer may, without warrant, arrest the person charged, in order to his being conveyed as soon as conveniently may be before the Magistrate, mayor or Justice, to be dealt with according to law. 46 V. c. 18, s. 448.

450. Until the organization of a board of police, every mayor or Police Magistrate may, within his jurisdiction, suspend from office, for any period in his discretion, the chief constable, or any constable of the town or city, and may, if he chooses, appoint some other person to the office during such period: and in case he considers the suspended officer deserving of dismissal, he shall, immediately after suspending him, report the case to the council, and the council may dismiss such officer, or may direct him to be restored to his office after the period of his suspension has expired; and the city council shall have the like powers as to the high bailiff of the city. 46 V. c. 18, s. 449.

451. During the suspension of such officer he shall not be capable of acting in his office, except by the written permission of the mayor or Police Magistrate who suspended him, nor during such suspension shall he be entitled to any salary or remuneration: 46 V. c. 18, s. 450.

DIVISION X.—COURT HOUSES, GAOLS AND PLACES OF IMPRISONMENT.

Erection and care of. Secs. 452-469, 472-475.

Furniture. Sec. 470.

Insurable interest of Corporations. Sec. 471.

Expense of prisoners. Sec. 476.

452. Every county council may pass by-laws for erecting, improving and repairing a court house, gaol, house of correction, and house of industry, upon land being the property of the municipality, and shall preserve and keep the same in repair, and provide the food, fuel and other supplies required for the same. 46 V. c. 18, s. 451.

453. Every county council may, when a court house is required to be erected within the limits of a city, pass by-laws for entering upon, taking, using, and acquiring such land as may be necessary or convenient for the purposes of such court house. 46 V. c. 18, s. 452.

Gaols and court-houses in counties and cities, etc., not separated.

454. The gaol, court house and house of correction of the county in which a town or city, not separated for all purposes from a county, is situate, shall also be the gaol, court house, and house of correction of the town or city, and shall, in the case of such city, continue to be so until the council of the city otherwise directs; and the sheriff, gaoler and keeper of the gaol and house of correction shall receive and safely keep, until duly discharged, all persons committed thereto by any competent authority of the town or city. 46 V. c. 18, s. 453.

City councils may erect, etc., certain public buildings.

455. The council of any city may erect, preserve, improve and provide for the proper keeping of a court house, gaol, house of correction and house of industry, upon lands being the property of the municipality, and may pass by-laws for all or any of such purposes. 46 V. c. 18, s. 454.

Lock-up houses may be established by county councils.

456. The council of every county may establish and maintain a lock-up house, or lock-up houses, within the county, and may establish and provide for the salary or fees to be paid to the constable to be placed in charge of every such lock-up house, and may direct the payment of the salary out of the funds of the county. 46 V. c. 18, s. 455.

A constable to be placed in charge.

457. Every lock-up house shall be placed in the charge of a constable specially appointed for that purpose by the magistrates of the county at a General Sessions of the Peace therefor. 46 V. c. 18, s. 456.

Lock-up houses.

458. The council of every city, town, township, and incorporated village may, by by-law, establish, maintain and regulate lock-up houses for the detention and imprisonment of persons sentenced to imprisonment for not more than ten days under any by-law of the council; and of persons detained for examination on a charge of having committed any offence; and of persons detained for transmission to any common gaol or house of correction, either for trial or in the execution of any sentence; and such councils shall have all the powers and authorities conferred on county councils in relation to lock-up houses. 46 V. c. 18, s. 457.

Joint lock-up houses.

459. Two or more municipalities may unite to establish and maintain a lock-up house. 46 V. c. 18, s. 458.

Land may be acquired for industrial farms, house of industry, refuge, etc.

460.—(1) The council of every county, city or town separated from a county may acquire an estate in landed property for an industrial farm, and may establish a house of industry and a house of refuge, and provide, by by-law, for the erection and repair thereof, and for the appointment, payment and duties of inspectors, keepers, matrons and other servants for the superintendence, care and management of such houses of

industry or refuge, and in like manner make rules and regulations (not repugnant to law) for the government of the same.

(2) Two or more united counties, or two or more contiguous counties, or a city and one or more counties, or a town and one or more counties, may agree to have only one house of industry or refuge for such united or contiguous counties, or city and counties, or town and counties, and maintain and keep up the same in the manner herein provided.

Proviso as to united or contiguous counties.

(3) The council may provide, by by-law, for requiring such persons as may be sent to such industrial farm or other place, to work on the said farm, or at any work or service for the said municipality, at such times, and for such hours, and at such trade or labour as they may appear to be adapted for respectively, and for buying and selling material therefor, and for applying the earnings, or parts thereof, of such persons for their maintenance or the maintenance of the wife and child or wife or children (if any) of such persons, or for the general maintenance of the farm or other place as aforesaid, or for aiding such persons to reach their friends (if any) or any place to which it may be deemed advisable to send them. 46 V. c. 18, s. 459.

Power to compel persons sent to industrial farms, etc., to work thereon.

461. The inspector of a house of industry or refuge appointed as aforesaid, shall keep an account of the charges of erecting, keeping, upholding and maintaining the house of industry or refuge, and of all materials found and furnished therefor, together with the names of the persons received into the house, as well as those discharged therefrom, and also of the earnings; and such account shall be rendered to the county council every year, or oftener when required by a by-law of the council; and a copy thereof shall be presented to the Legislature. 46 V. c. 18, s. 460.

Inspectors to keep and render accounts of expenses, etc.

462. The council of every city and town may respectively pass by-laws:

By-laws may be passed establishing workhouses and houses of correction.

1. For erecting and establishing within the city or town, or on such industrial farm, or on any ground held by the corporation for public exhibitions, a workhouse or house of correction, and for regulating the government thereof.

2. For committing and sending, with or without hard labour, to the workhouse or house of correction, or to the industrial farm, house of industry, house of refuge, or house for the poor, aged, and infirm, or lock-up, or to any work or service for the municipality as aforesaid, by the mayor, Police Magistrate, or Justice of the Peace, while having jurisdiction in the municipality, such disorderly persons, drunkards, vagrants, indigent persons, and such description of persons as

Who liable to be committed thereto.

46 V. c. 48, s. 463.

are set forth or referred to in section 369 of chapter 48 of the Acts passed in the 36th year of Her Majesty's reign, and as may by the council be deemed, and by by-law be declared, expedient; and such farm, house of correction, house of industry, house of refuge, or house for the poor, aged, or infirm, lock-up house, or ground held as aforesaid, shall, for the purposes in this sub-section mentioned, be deemed to be within the municipality and the jurisdiction thereof. 46 V. c. 18, s. 461.

Until houses of correction erected, the common gaols are constituted houses of correction.

463. Until separate houses of correction are erected in the several counties in Ontario, the common gaol in each county respectively shall be a house of correction; and every idle and disorderly person, or rogue and vagabond, and incorrigible rogue, and any other person by law subject to be committed to a house of correction, shall, unless otherwise provided by law, be committed to the said common gaols, respectively. 46 V. c. 18, s. 462.

Custody of gaols.

Keepers

464.—(1) The sheriff shall have the care of the county gaol offices and yard, and gaoler's apartments, and the appointment of the keepers thereof, whose salaries shall be fixed by the county council, subject to the revision or requirement of the Inspector of Prisons and Public Charities.

Appointment and dismissal of gaolers.

(2) Every appointment, or dismissal, of a gaoler shall be subject to the approval of the Lieutenant-Governor. 46 V. c. 18, s. 463.

Gaoler to have a yearly salary in place of all fees, perquisites or impositions whatever.

465. The salary of the gaoler shall be in lieu of all fees, perquisites or impositions of any sort or kind whatever; and no gaoler or officer belonging to the gaol shall demand or receive any fee, perquisite or other payment from any prisoner confined within the gaol or prison. 46 V. c. 18, s. 464.

County council to have care of court-house, etc.

466. The county council shall have the care of the court house and of all offices and rooms and grounds connected therewith, whether the same forms a separate building or is connected with the gaol, and shall have the appointment of the keepers thereof, whose duty it shall be to attend to the proper lighting, heating and cleaning thereof; and shall from time to time provide all necessary and proper accommodation, fuel, light and furniture for the Courts of Justice other than the Division Courts, and for the library of the law association of the county (such last mentioned accommodation to be provided in the court house), and shall provide proper offices, together with fuel, light and furniture, for all officers connected with such Courts other than (1) officers of the Maritime Court of Ontario (not being in the county of York) and (2) official assignees. 46 V. c. 18, s. 465; 48 V. c. 39, ss. 11, 13.

467. In any city not being a separate county for all purposes, but having a gaol or court house separate from the county gaol or court house, the care of such city gaol or court house shall be regulated by the by-laws of the city council. 46 V. c. 18, s. 467.

City gaols to be regulated by by-laws of city council.

468. In case of a separation of a union of counties, all rules and regulations, and all matters and things in any statute for the regulation of, or relating to court houses or gaols, in force at the time of the separation, shall extend to the court house and gaol of the junior county. 46 V. c. 18, s. 468.

Upon separation of union of counties, gaol and court house regulations to continue.

469. Cities and towns separated from counties shall, as parts of their respective counties for judicial purposes, bear and pay their just share or proportion of all charges and expenses from time to time as the same may be incurred in erecting, building and repairing and maintaining the court house and gaol of their respective counties, and of the proper lighting, cleansing and heating thereof, and of providing all necessary and proper accommodation, fuel, light, and furniture for the gaol and Courts of justice, other than the Division Courts, and for the library of the law association of the county and of providing proper offices, together with fuel, light, and furniture for officers connected with such Courts, where the same are required to be provided by the county council; and all other charges relating to criminal justice, payable by the county in the first instance, except constables' fees and disbursements, and charges connected with coroners' inquests, and such other charges as the counties are entitled to be repaid by the Province; and in case the council of the city or town separate as aforesaid, and the council of the county in which such city or town is situate for judicial purposes cannot, by agreement from time to time, settle and determine the amount to be so payable by such city or town respectively, then the same shall be determined by arbitration, according to the provisions of this Act. 46 V. c. 18, s. 469; 48 V. c. 39, s. 12.

Liability of cities and towns separated from counties for erection and maintenance of court-house, etc.

Reference to arbitration in case of disagreement.

470. The council shall not be liable to pay for any furniture which they are required to provide under the provisions of sections 466 and 469 of this Act, unless the same has been ordered by the council or by some person duly authorized by them so to do. 46 V. c. 18, s. 470.

Liability for furniture for use of county officials.

471. The corporation of any county and city or town separated from the county, are hereby declared to have, respectively, insurable interests in the court house and gaol of the county and the furniture thereof, in the proportions in which they shall, for the time being, be liable to contribute towards the erection, building, repairing, and maintaining the same, and towards providing necessary accommodation and furniture for

Insurable interests of corporations in certain cases.

the said gaol and Courts of justice, and for the officers connected with such Courts, and any such corporation may insure its said interest accordingly. 46 V. c. 18, s. 471.

Liability of city to contribute to cost of erecting court-houses and gaols.

472. In all cases in which any city is required to contribute to the cost of erecting or building a court house or gaol, not commenced before the 5th day of March, 1880, the council of such city shall not be bound to pay for any part of the expenditure thereafter incurred in respect thereof, unless the same has been concurred in by the council of the city, or, in case of dispute, has been determined by arbitration, according to the provisions of this Act, and the council of the city shall have a voice in the selection of the site of the court house and gaol: and in case the council of the county and city shall fail to agree upon the selection of such site, the same shall be settled and determined by arbitration, according to the provisions of this Act. 46 V. c. 18, s. 472.

Compensation by city or town for use of court-house, etc.

473.—(1) While a city or town uses the court house, gaol or house of correction of the county, the city or town shall pay to the county such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon, or settled by arbitration under this Act. 46 V. c. 18, s. 473.

Matters to be considered in determining compensation.

(2) In case of arbitration under the preceding provisions of this section, in determining the compensation to be paid for the care and maintenance of prisoners confined in the gaol, the arbitrators shall, so far as they deem the same just and reasonable, take into consideration the original cost of the site and erection of the gaol buildings, and of repairs and insurance, so far as the same may have been borne or sustained by one or other of the municipalities, and shall also take into consideration the cost of maintaining and supporting the prisoners, as well as the salaries of all officers and servants connected therewith; but the provisions of this sub-section shall apply only to the determining of the compensation to be paid for the care and maintenance of any such prisoners subsequent to the first day of January, 1886. 49 V. c. 37, s. 10.

When the amount of compensation may be reconsidered.

474. In case, after the lapse of five years from such compensation having been so agreed upon or awarded, or having been settled by statute, and whether before or after the passing of this Act, it appears reasonable to the Lieutenant-Governor in Council, upon the application of either party, that the amount of the compensation should be reconsidered, he may, by an Order in Council, direct that the then existing arrangement shall cease after a time named in the order, and after such time the councils shall settle anew, by agreement or by arbitration under this Act, the amount to be paid from the time so named in the order. 46 V. c. 18, s. 474.

475. Nothing herein contained shall affect any lock-up house heretofore lawfully established, but the same shall continue to be a lock-up house as if established under this Act. 46 V. c. 18, s. 475. Existing lock-up houses to continue.

476. The expense of conveying any prisoner to, and of keeping him in a lock-up house, shall be defrayed in the same manner as the expense of conveying him to and keeping him in the common gaol of the county. 46 V. c. 18, s. 477. Expense of conveying and maintaining prisoners.

DIVISION XI.—INVESTIGATION OF CHARGES OF MISCONDUCT IN RELATION TO MUNICIPAL MATTERS.

Investigation by County Judge. Sec. 477.

477.—(1) In case the council of any municipality at any time passes a resolution requesting the Judge of the County Court of the county in which the municipality is situate to investigate any matter to be mentioned in the resolution, and relating to a supposed malfeasance, breach of trust or other misconduct on the part of any member of the council or officer of the corporation, or of any person having a contract therewith, in relation to the duties or obligations of the member, officer, or other person, to the municipality, or in case the council of any municipality sees fit to cause inquiry to be made into or concerning any matter connected with the good government of the municipality, or the conduct of any part of the public business thereof, and if the council at any time passes a resolution requesting the Judge to make the inquiry, the Judge shall inquire into the same, and shall for that purpose have all the powers which may be conferred upon commissioners under *The Act respecting Inquiries concerning Public Matters*, and the Judge shall, with all convenient speed, report to the council the result of the inquiry and the evidence taken thereon. 46 V. c. 18, s. 480. Investigation by county judge of charges of malfeasance by municipal officers. Judge to have powers mentioned in Rev. Stat. c. 17.

(2) The Judge of the County Court, holding such investigation, shall be entitled to receive, and shall be paid by the municipality requesting him to hold the investigation, the same fees as he would be entitled to receive if the matter had been referred to him as a referee under the provisions of *The Judicature Act*. 49 V. c. 37, s. 11. Fees payable to county judge. Rev. Stat. c. 44.

DIVISION XII.—WHEN MAYOR MAY CALL OUT *Posse Comitatus*.

Mayor may call out posse comitatus. Sec. 478.

478. The mayor of any city or town may call out the *posse comitatus* to enforce the law within his municipality should exigencies require it, but only under the same circumstances in which the sheriff of a county may now by law do so. 46 V. c. 18, s. 481. Mayor may call out posse comitatus.

PART VII.

POWERS OF MUNICIPAL COUNCILS.

TITLE I.—IN GENERAL.

TITLE II.—AS TO HIGHWAYS AND BRIDGES.

TITLE III.—AS TO WORKS PAID FOR BY LOCAL RATE.

TITLE IV.—AS TO RAILWAYS.

TITLE I.—POWERS IN GENERAL.

DIV. I.—OF COUNTIES, TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.

DIV. II.—OF TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.

DIV. III.—OF TOWNSHIPS, CITIES AND TOWNS.

DIV. IV.—OF COUNTIES AND CITIES.

DIV. V.—OF COUNTIES, CITIES, AND SEPARATED TOWNS.

DIV. VI.—OF CITIES, TOWNS, AND INCORPORATED VILLAGES.

DIV. VII.—OF CITIES AND TOWNS.

DIV. VIII.—OF TOWNSHIPS, TOWNS AND VILLAGES.

DIV. IX.—OF TOWNS AND INCORPORATED VILLAGES.

DIV. X.—OF COUNTIES ONLY.

DIV. XI.—OF TOWNSHIPS ONLY.

DIVISION I.—POWERS OF COUNCILS OF COUNTIES, TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.

*Respecting the obtaining of property. Sec. 479 (1).**" Appointment of certain officers. Sec. 479 (2, 3).**" Harbours, Docks, etc. Sec. 479 (4-8).**" Aid to Agricultural, etc., Societies. Sec. 479 (9).**" " Manufacturing Establishments. Sec. 479 (10).**" " Road Companies, etc. Sec. 479 (11).**" " Indigent persons and charities. Sec. 479 (12).**" Census. Sec. 479 (13).**" Driving and Riding. Sec. 479 (14).**" Drainage. Sec. 479 (15).**" Mode of Egress from Buildings. Sec. 479 (16).**" Fines and Penalties. Sec. 479 (17-19).**" Ornamental Trees. Sec. 479 (20).*

Respecting Seizure of Bread of short weight. Sec. 479 (21).
 “ *Acquisition of land for Parks, etc.* Sec. 479 (22, 23).
 “ *Contracts for supply of Gas and Water.* Sec. 480.
 “ *Discovery of Crimes.* Sec. 481.
Summary Remedy if By-laws not obeyed. Sec. 482.
Compensation for lands taken. Secs. 484-488.
Powers in relation to Roads and Bridges. See sec. 550 et seq.

479. The council of every county, township, city, town, and incorporated village may pass by-laws: Councils may make by-laws.

Obtaining Property.

1. For obtaining such real and personal property as may be required for the use of the corporation, and for erecting, improving and maintaining a hall, and any other houses and buildings required by and being upon the land of the corporation, and for disposing of such property when no longer required; For obtaining property, real and personal, etc.

Appointing certain Officers.

2. For appointing such— May appoint certain officers.

| | |
|------------------------|---------------------|
| Pound-keepers, | Road Surveyors, |
| Fence-viewers, | Road Commissioners, |
| Overseers of Highways, | Valuators, |
| Game Inspectors, | |

and other officers as are necessary in the affairs of the corporation, or for carrying into effect the provisions of any Act of the Legislature or by-law of the corporation, or for the removal of such officers; but nothing in this Act shall prevent any member of a corporation from acting as commissioner, superintendent or overseer, over any road or work undertaken and carried on, in part or in whole, at the expense of the municipality; and it shall be lawful for the municipality to pay such member of the corporation acting as such commissioner, superintendent or overseer; 49 V. c. 45, s. 15; 50 V. c. 29, s. 18. See Cap. 210, s. 5.

3. For regulating the remuneration, fees, charges and duties of such officers, and the securities to be given for the performance of such duties; May fix fees and securities. See sec. 278.

Harbours, Docks, etc.

4. For regulating or preventing the encumbering, injuring, or fouling, by animals, vehicles, vessels or other means, of any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water; Clearance of wharves, docks, etc.

Removal of
door steps,
etc., obstruct-
ing wharves,
etc.

5. For directing the removal of door steps, porches, railings or other erections, or obstructions projecting into or over any wharf, dock, slip, drain, sewer, bay, harbour, river or water, or the banks or shores thereof, at the expense of the proprietor or occupant of the property connected with which such projections are found ;

Making, etc.,
of wharves,
docks, etc.

6. For making, opening, preserving, altering, improving and maintaining public wharves, docks, slips, shores, bays, harbours, rivers or waters and the banks thereof ;

Regulating
harbours, bea-
cons, wharves,
elevators, etc.

7. For regulating harbours ; for preventing the filling up or encumbering thereof ; for erecting and maintaining the necessary beacons, and for erecting and renting wharves, piers and docks therein, and also floating elevators, derricks, cranes and other machinery suitable for loading, discharging or repairing vessels ; for regulating the vessels, crafts and rafts arriving in any harbour ; and for imposing and collecting such reasonable harbour dues thereon as may serve to keep the harbour in good order, and to pay a harbour master ;

Vessels, etc.
Harbour dues.

Granting aid
by way of
bonus to har-
bours, etc.

8. For granting aid by way of bonus, for or towards the construction of harbours, wharves, docks, slips, and necessary beacons on any river, lake, or navigable water passing in, through, or forming any part of the boundary of a county whether such bonus be given by such county or by a city, town, township, or incorporated village situate therein and to pay such bonus either in one sum, or in annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the municipality may deem expedient ;

Assent of
electors neces-
sary.

(a) No such by-law shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for creating debts ;

Security may
be taken.

(b) Any municipality granting such aid may take and receive of and from such person or body corporate, receiving any such aid, security for the compliance with the terms and conditions upon which such aid is given.

Aiding Agricultural and other Societies.

Granting aid
to agricultural
societies.

9. For granting money or land in aid of the Agricultural and Arts Association of Ontario, or of any duly organized Agricultural or Horticultural Society in Ontario, or of any incorporated Mechanics' Institute or free library, established under *The Free Libraries Act*, within the municipality, or within any adjoining municipality. 46 V. c. 18, s. 482 (1-9) ; 50 V. c. 29, s. 19. *See also* Cap. 39, s. 81 (1).

Rev. Stat. c.
189.

Aiding Manufacturing Establishments.

10. For granting aid by way of bonus for the promotion of manufactures within its limits, by granting such sum or sums of money to such person or body corporate, and in respect of such branch of industry as the said municipality may determine upon; and to pay such sum, either in one sum or in annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the said municipality may deem expedient;

Granting aid by way of bonus to manufactures.

(a) No such by-law shall be passed until the assent of the electors has been obtained, in conformity with the provisions of this Act in respect of by-laws for creating debts. *See sec. 320.*

Assent of electors necessary.

(b) No property owner or lessee interested in, or holding shares or stock in, any company shall be qualified to vote on a by-law for the purpose of granting a bonus to the company in which he is so interested as aforesaid.

Persons interested in company not to vote on by-law aiding same.

(c) Any municipality granting such aid, may take and receive security for the compliance with the terms and conditions upon which such aid is given. *(See section 366 as to exempting manufacturing establishments from taxation.)*

Security may be taken.

Aiding Road Companies, etc.

11. For taking stock in or lending money, or granting bonuses to any incorporated company, in respect of any road, bridge or harbour, within or near the municipality, under and subject to the respective statutes in that behalf, or for granting aid by way of bonus to any incorporated road or bridge company;

Aid for roads, bridges and harbours.

(a) No such by-law granting such aid by way of bonus shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for creating debts.

Assent of electors necessary.

Aiding Indigent Persons and Charities.

12. For aiding in maintaining any indigent person belonging to or found in the municipality, at any work-house, hospital or institution for the insane, deaf and dumb, blind or other public institution of a like character; or for granting aid to any charitable institution or out-of-door relief to the resident poor; *See sec. 504 (11).*

Aiding indigent persons and charities.

Census.

Local census. 13. For taking a census of the inhabitants, or of the resident male freeholders and householders in the municipality :

Driving or Riding on Roads and Bridges.

To regulate driving on roads and bridges. 14. For regulating the driving and riding of horses and other cattle on highways and public bridges, and for preventing racing, immoderate or dangerous driving or riding thereon ;

Drainage.

Opening or stopping up drains and water-courses, etc. 15. For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down drains, sewers or water-courses, within the jurisdiction of the council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained ; 46 V. c. 18, s. 482 (10-15).

Egress from Buildings.

Doors, etc., of public buildings. 16. For regulating the size and number of doors in churches, theatres, halls, or other buildings used for places of worship, public meetings or places of amusement, and the street gates leading thereto ; and also the size and number of doors, halls, stairs and other means of egress from all hospitals, schools, colleges and other buildings of a like nature, and also the structure of stairs and stair-railings in all such buildings ; and the strength of walls, beams and joists and their supports, and for compelling the production of the plans of all such buildings for inspection and for enforcing observance of such regulations. 50 V. c. 29, s. 20.

Fines and Penalties.

(See also secs. 420-423.)

Fines and penalties. 17. For inflicting reasonable fines and penalties not exceeding \$50 exclusive of costs,—

For neglect of duty, or refusal to accept office. (a) Upon any person for the non-performance of his duties who has been elected or appointed to any office in the corporation, and who neglects or refuses to accept such office, unless good cause is shewn therefor, or to take the declaration of office, and afterwards neglects the duties thereof ; and

Or breach of by-laws. Collecting penalties and costs. (b) For breach of any of the by-laws of the corporation. 18. For collecting such penalties and costs by distress and sale of the goods and chattels of the offender ;

19. For inflicting reasonable punishment, by imprisonment with or without hard labour, either in a lock-up house in some town or village in the township, or in the county gaol or house of correction, for any period not exceeding twenty-one days, for breach of any of the by-laws of the council, in case of non-payment of the fine inflicted for any such breach, and there being no distress found out of which such fine can be levied: except for breach of any by-law in cities, and of any by-law for the suppression of houses of ill-fame in any municipality, in which cases the imprisonment may be for any period not exceeding six months, with or without hard labour in case of the non-payment of the costs and fines inflicted, and there being no sufficient distress as aforesaid; 46 V. c. 18, s. 482 (18-20).

Imprisonment
when allowed
and time of.

Ornamental Trees.

20. For causing any tree, shrub or sapling, growing or planted on any public place, square, highway, street, lane, alley or other communication under its control, to be removed, if and when such removal is deemed necessary for any purpose of public improvement; but no such tree, shrub or sapling shall be so removed until after one month's notice thereof is given to the owner of the adjoining property, and he is recompensed for his trouble in planting and protecting the same; nor shall such owner, or any pathmaster or other public officer, or any other person, remove or cut down or injure such tree, shrub, or sapling, on pretence of improving the public place, square, highway, street, road, lane, alley or other communication or otherwise, without the express permission of the municipal council having the control of the public place, square, highway, street, road, lane, alley or other communication; and any council may expend money in planting and preserving shade and ornamental trees upon any public place, square, highway, street, road, lane, alley or other communication within the municipality, and may grant sums of money to any person or association of persons to be expended for the same purposes. 46 V. c. 18, s. 482 (22).

Regulations as
to trees,
shrubs, etc., in
public places.

Seizing Bread, etc.

21. For seizing and forfeiting bread or other articles when of light weight or short measurement. 46 V. c. 18, s. 482 (24). See also secs. 489 (52); 503 (9).

Light weight
and short
measure.

Acquiring land for Parks, etc.

22. For entering upon, taking and using and acquiring so much real property as may be required for the use of the corporation, for public parks, squares, boulevards, and drives in the municipality and adjoining local municipalities, without the consent of the owners of such real property, making due compensation therefor to the parties entitled thereto, to be determined under the provisions of this Act, by arbitration, where the parties do not agree.

Acquiring
land for parks,
etc.

Provisions where land expropriated is in an adjoining municipality.

23. In every case in which any municipality shall expropriate lands in an adjoining municipality, the municipality so expropriating such lands shall put the same in an efficient state to be used as, and open the same to the general public, for the purposes of such public parks, squares, boulevards and drives within a reasonable time after such expropriation, and shall maintain and keep the same in an efficient state of repair; and shall provide and maintain such police protection for such public parks, squares and drives as shall be necessary for the safety of the public frequenting and using the same and the residents whose lands adjoin the lands so expropriated 50 V. c. 29, s. 21.

GAS AND WATER.

Council may contract with company for supply of water.

480.—(1) Every municipal council shall have power to contract with any water-works or water company for a supply of water within the municipality for fire purposes and other public uses, from hydrants or otherwise as may be deemed advisable and for the renting of such hydrants for any number of years not, in the first instance, exceeding ten, and for renewing such contract from time to time for such period, not exceeding ten years, as the council may desire, and every council shall also have power to purchase hydrants necessary for any of the purposes or uses aforesaid, and also to erect the same; and to purchase or rent for a term of years or otherwise, fire apparatus of any kind, and fire appliances and appurtenances belonging thereto respectively. 46 V. c. 18, s. 483.

Powers in respect of lighting and construction of gas works.

(2) Subject to the provisions of this Act, or any special Act so far as the same may be applicable, the powers of a municipal corporation for lighting the municipality, or for constructing gas works, whether by this or by any special Act, shall include the powers conferred on gas companies by sections 54 and 55 of *The Act respecting Joint Stock Companies for supplying Cities, Towns, and Villages with Gas and Water*. 42 V. c. 23, s. 3.

Rev. Stat. c. 164.

Municipal corporation constructing works to supply with gas or water buildings on line of supply, on request.

(3) Where any municipal corporation has constructed any gas or water works for supplying the municipality with gas or water, and where there is a sufficient supply thereof, it shall be the duty of the corporation to supply with gas or water all buildings within the municipality situate upon land lying along the line of any supply pipe of the said corporation upon the same being requested by the owner, occupant, or other person in charge of such building.

Corporation may require security from consumer.

(4) The corporation before supplying gas or water to any building or as a condition to its continuing to supply the same, may require any consumer to give reasonable security for the payment of the proper charges of the company therefor or for carrying the gas or water into such building.

(5) Nothing in the preceding two sub-sections contained shall be construed in any way to affect the liability of any corporation in respect of damages on account of any failure of supply through mischance, accident or mismanagement, but the position of the corporation in respect thereto shall remain as if such two sub-sections had not been enacted. 47 V. c. 26, ss. 1, 3, 4.

Liability for failure of supply not affected.

DISCOVERY OF CRIMES.

481. The council of any municipality in which a flagrant crime is believed to have been committed, may offer and pay a reward for the discovery, apprehension, or conviction of the criminal, or of any person who is suspected to be the criminal. 46 V. c. 18, s. 484.

Rewards for apprehension of criminals.

SUMMARY REMEDY IF BY-LAWS NOT OBEYED.

482. Whenever any municipal council has any authority to direct, by by-law or otherwise, that any matter or thing should be done by any person or corporation, such council may also, by the same or another by-law, direct that in default of its being done by the person, such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof with costs by action or distress; and, in case of non-payment thereof, the same shall be recovered in like manner as municipal taxes. 46 V. c. 18, s. 485.

Mode of compelling performance of matters directed to be done by council, etc.

COMPENSATION FOR LANDS TAKEN OR INJURED.

483. Every council shall make to the owners or occupiers of, or other persons interested in, real property entered upon, taken or used by the corporation in the exercise of any of its powers, or injuriously affected by the exercise of its powers, due compensation for any damages (including cost of fencing when required) necessarily resulting from the exercises of such powers, beyond any advantage which the claimant may derive from the contemplated work; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act. 46 V. c. 18, s. 486. *See* sec. 385 *et seq.*

Owners of lands taken by corporation, etc., to be compensated.

Differences to be determined by arbitration.

484.—(1) In the case of real property which a council has authority under this Act to enter upon, take or use, without the owner's consent, corporations, tenants in tail or for life, guardians, committees, and trustees, shall, on behalf of themselves, their successors and heirs respectively, and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, married women or others, have power to act, as well in reference to any arbitration, notice and action under this Act, as in contracting for and conveying to the council any such real property, or in agreeing as to the amount of damages arising from the exercise by the council of any power in respect thereof.

How title acquired to land when owned by corporations, tenants in tail, vested in trustees, etc.

If there be no party who can convey, etc.

(2) In case there is no such person who can so act in respect to such real property, or in case any person interested in respect to any such real property is absent from this Province, or is unknown, or in case his residence is unknown, or he himself cannot be found, the Judge of the County Court for the county in which such property is situate may, on the application of the council, appoint a person to act in respect to the same for all or any of the said purposes. 46 V. c. 18, s. 487.

Application, etc., of purchase money where party has not an absolute estate in the property.

485. In case any person acting as aforesaid has not the absolute estate in the property, the council shall pay to him the interest only at six per centum per annum on the amount to be paid in respect of such property, and shall retain the principal to be paid to the person entitled to it whenever he claims the same and executes a valid acquittance therefor, unless the High Court, or other Court having jurisdiction in such cases, in the meantime directs the council to pay the same to any person or into Court; and the council shall not be bound to see to the application of any interest so paid, or of any sum paid under the direction of such Court. 46 V. c. 18, s. 488.

Purchase money subject to charges on property.

486. All sums agreed upon, or awarded in respect of such real property, shall be subject to the limitations and charges to which the property was subject. 46 V. c. 18, s. 489.

Tender of compensation.

When lands taken or injured by city.

487.—(1) Notwithstanding any of the provisions contained in this Act, in all cases where claims are made for compensation for damages by the owners or occupiers of, or other persons interested in lands entered upon, taken or used by the corporation of any city, or alleged to have been injuriously affected by such corporation in the exercise of any of its powers, in the event of the corporation not being able to agree with the claimant or claimants on the amount of compensation to be made, and the amount claimed does not exceed \$1,000, the same shall be settled and determined by the award of the Judge of the county within which the city is situate, (sitting as sole arbitrator), or at the option of either party, by such other sole arbitrator as the said Judge on application made by either party to him, upon notice to the other party, may appoint for the purpose.

(2) Either party shall be entitled to at least seven days' notice exclusive of the day of the service of the notice, of the wish of the other party to have an arbitration and seven days' notice, exclusive of the seven days above mentioned and of the day of the service of the notice, shall be given of any application to the Judge to appoint any sole arbitrator as aforesaid.

(3) The fees to be paid to the arbitrator shall be the same as those payable to referees under the provisions of *The Act respecting Arbitrations and References*. 49 V. c. 37, s. 41 (1-3).

488. The council of any municipality in all cases where claims for compensation or damages are made against them which, under the provisions of this or any other Act, are declared to be the subject of arbitration in the event of the parties not being able to agree, may tender to any person making such claim, such amount as they may consider proper compensation for the damage sustained or lands taken, and in the event of the non-acceptance by the claimant or claimants of the amount so tendered, and the arbitration being proceeded with, and if an award is obtained for an amount not greater than the amount so tendered, the costs of the arbitration and award shall, unless otherwise directed by the arbitrator, be awarded to the corporation and set off against any amount which shall have been awarded against them. 49 V. c. 37, s. 42.

Reference of
claims for
compensation
in respect
of lands.

DIVISION II.—POWERS OF COUNCILS OF TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.

Respecting Polling Subdivisions. Sec. 489 (1).

" *Disqualification of Electors for non-payment of Taxes. Sec. 489 (2).*

" *Water and Water Works. Sec. 489 (3, 4).*

" *Reduction of Sinking Fund. Sec. 489 (5).*

" *Billiard or Bagatelle Tables. Sec. 489 (6).*

" *Victualling Houses, etc. Sec. 489 (7, 8).*

" *Licensing Transient Traders. Sec. 489 (9).*

" *Schools. Sec. 489 (10).*

" *Cemeteries. Sec. 489 (11, 12).*

" *Graves. Sec. 489 (13).*

" *Cruelty to Animals. Sec. 489 (14).*

" *Dogs. Sec. 489, (15, 16).*

" *Fences. Sec. 489 (17).*

" *Division Fences. Sec. 489 (18, 19).*

" *Snow Fences. Sec. 489 (20).*

" *Water-courses. Sec. 489 (21).*

" *Weeds. Sec. 489 (22).*

" *Filth in Streets. Sec. 489 (23).*

" *Burning Stumps, Brush, etc. Sec. 489 (24).*

" *Exhibitions, Shows, etc. Sec. 489 (25, 26).*

" *Trees. Sec. 489 (27).*

" *Injury to property and notices. Sec. 489 (28, 29).*

" *Gas and Water Companies. Sec. 489 (30, 31).*

" *Giving Intoxicating Liquors to Minors, etc. Sec. 489 (32).*

" *Public Morals. Sec. 489 (33-40).*

" *Nuisances. Sec. 489 (41-46).*

" *Sewerage and Drainage. Sec. 489 (47-49).*

" *Inspection of Meat, Milk, etc. Sec. 489 (50-53).*

- Respecting Licensing Milk Dealers. Sec. 489 (54).*
 " *Contagious Diseases. Sec. 489 (55).*
 " *Establishment of Boundaries. Secs. 489 (56), 491.*
 " *Acquisition of Land outside the limits. Sec. 489 (57).*
 " *Weighing Machines. Sec 489 (58).*
 " *Pounds. Sec. 490.*
 " *Extension of Sewers. Sec. 492.*
 " *Lock-up Houses. Secs. 458, 459.*
 " *Tavern and Shop Licenses. See Cap. 194.*

By-laws may be made for— **489.** The council of every township, city, town or incorporated village may pass by-laws—

Polling Subdivisions.

Dividing city or town into wards, etc.

And townships and villages into polling subdivisions, etc.

1. For dividing the wards of such city or town, or for dividing such township or incorporated village into two or more convenient polling subdivisions, and for establishing polling places therein, and for repealing or varying the same from time to time; and such polling subdivisions shall be made or varied whenever the electors in any ward, township, village or polling subdivision exceed 200, and shall be made and varied in such a manner that the number of electors in any polling subdivision shall not exceed at any time 200;

Polling subdivisions to be the same for elections to Legislative Assembly and municipal elections.

Adjoining subdivisions may be united for Municipal elections

(a) Where a municipality is divided into polling subdivisions, the same polling subdivisions shall be used both for the election of members of the Legislative Assembly and for municipal elections; and the polling subdivisions for elections to the Legislative Assembly and municipal elections shall hereafter be made the same in all cases, except that the municipal council of every city, town or incorporated village, may by by-law unite, for the purpose of municipal elections, any two adjoining polling subdivisions. 46 V. c. 18, s. 490 (1).

(b) Where a polling place has been fixed by by-law for the holding of any election, or the taking of any vote in any city, town or village, and it is afterwards found that the building named as such polling place cannot be obtained, or is unsuitable for the purpose, the clerk of the municipality shall have the power to choose in lieu thereof as a polling place the nearest available building suitable for the purpose, and shall post up and keep posted up a notice on the building fixed by the by-law, and in two other conspicuous places near by, directing the voters to the place chosen as aforesaid. 50 V. c. 29, s. 22.

Disqualification of Electors not paying Taxes.

2. For disqualifying any elector from voting at municipal elections who has not paid all municipal taxes due by him on or before the 14th day of December next preceding the election; 46 V. c. 18, s. 490 (2). *See also sec. 251.*

Disqualifying electors in arrears for taxes.

Water and Waterworks.

3. For constructing, building, purchasing, improving, extending, holding, maintaining, managing and conducting water-works and all buildings, materials, machinery and appurtenances thereto belonging in the municipality and in the neighbourhood thereof, subject to the provisions contained in *The Municipal Water-works Act*; 46 V. c. 18, s. 496 (2).

Constructing water-works.

Rev. Stat. c. 192.

4. For compelling the use of water, supplied by the water works of the city, town, township or village, for drinking and domestic purposes, within certain areas to be defined by by-law, and for prohibiting the use of spring or well water within such areas for such purposes. 49 V. c. 37, s. 38 (1); 50 V. c. 29, s. 48.

Supplying gas, or electric, galvanic, or other artificial light or heat.

Reduction of Sinking Fund.

5. For authorizing the reduction of the annual sinking fund rate, or amount required to be collected under local improvement by-laws passed by the council prior to the Act passed in the 42nd year of the reign of Her Majesty, chaptered 31, and for making allowance for the interest accrued from the investment of the amounts of sinking fund heretofore collected under such by-laws; provided always that in settling the sum to be raised annually for the remaining years which any such by-law has to run for the payment of the debt, in lieu of the sinking fund rate, fixed by the original by-law, the rate of interest on future investments shall not be estimated at more than five per cent. per annum, to be capitalized yearly; provided also that no by-law reducing the sinking fund rates, fixed by any such local improvement by-law shall become valid or effectual until the same shall have been assented to by the Lieutenant-Governor in Council. 49 V. c. 37, s. 38 (2); 50 V. c. 29, s. 48.

Reduction of sinking fund.

Billiard or Bagatelle Tables.

6. For licensing, regulating and governing all persons who for hire or gain, directly or indirectly keep, or have in their possession, or on their premises, any billiard or bagatelle table, or who keep or have a billiard or bagatelle table in a house or place of public entertainment or resort, whether such billiard or bagatelle table is used or not, and for fixing the sum to be paid for a license so to have or keep such billiard or bagatelle table, and the time such license shall be in force;

Licensing and regulating the use of billiard and bagatelle tables.

Victualling Houses, etc.

Victualling
houses, etc.,
number and
regulation of.

7. For limiting the number of and regulating victualling houses, ordinaries, and houses where fruit, oysters, clams, or victuals are sold to be eaten therein, and all other places for reception, refreshment or entertainment of the public;

License and
fees for same.

8. For licensing the same when no other provision exists therefor, and for fixing the rates of such licenses not exceeding \$20;

Licensing Transient Traders.

Regulating
transient
traders.

9. For licensing, regulating and governing transient traders, and other persons who occupy premises in the city or town, incorporated village, or township, for temporary periods, and whose names have not been duly entered on the assessment roll in respect of income or personal property for the then current year; and who may offer goods or merchandise of any description for sale by auction, or in any other manner conducted by themselves or by a licensed auctioneer or otherwise; but no such by-law shall affect, apply to, or restrict the sale of the stock of an insolvent estate which is being sold or disposed of within the county in which the insolvent carried on business therewith at the time of the issue of a writ of attachment or of the execution of an assignment;

Schools.

Acquiring
land for pub-
lic schools,
etc.

10. For obtaining such real property as may be required for the erection of public school houses thereon, and for other public school purposes, and for the disposal thereof when no longer required; and for providing for the establishment and support of public schools according to law;

Cemeteries.

Acquiring
land for
cemeteries,
etc.

11. For accepting or purchasing land for public cemeteries as well within as without the municipality, but not within any city, town or incorporated village, except as hereinafter provided, and for laying out, improving and managing the same; but no land shall be accepted or purchased for such purpose except by a by-law declaring in express terms that the land is appropriated for a public cemetery, and for no other purpose; and thereupon such land, although without the municipality, shall become part thereof, and shall cease to be a part of the municipality to which it formerly belonged; and such by-law shall not be repealed; and the trustees of any burying-ground may agree for the sale or transfer thereof to the municipality which desires to acquire the same; and in cases where such grounds have not been used for burials, the municipality may dispose thereof, and acquire other ground instead thereof;

Proviso.

- (a) For selling or leasing portions of such land for the purpose of interment, in family vaults or otherwise, and for declaring in the conveyance the terms on which such portion shall be held; 46 V. c. 18, s. 490 (2-9). Selling portion of such land for certain purposes.
- (b) Provided, however, that the municipal council of an incorporated village may pass a by-law for accepting or purchasing land for a public cemetery within the territorial limits of the village upon the by-law being first approved of by the Local Board of Health, and ratified by the Provincial Board of Health; and the by-law shall thereupon be as valid and effectual as if the land was situated without the municipality;
- (c) All expenses incurred by the Provincial Board of Health in respect of and incidental to the by-law, and whether the by-law be ratified by the board or not, shall be paid by the village municipality to the secretary of the board. 50 V. c. 29, s. 23. *See Caps. 175, 176.*

Enlargement of Cemeteries.

12. For the acquiring and expropriation of lands to be used for enlarging any existing public cemetery or burying ground, but no expropriation of any land within the limits of a city shall be authorized, and as to any such enlargement in a village or town the consent of the Provincial Board of Health shall be first obtained; Councils may pass by-laws for taking lands.

- (a) In case the owner of the land required refuses to sell the same, or refuses to take the price the council of the municipality is willing to pay, then in either of such cases the matter in dispute shall be referred to arbitration, and shall be proceeded with under the provisions of this Act, respecting arbitrations, as to compensation for lands taken. Reference to arbitration.
- (b) The arbitrators shall decide whether it is necessary in the public interests that the lands should be expropriated for the aforesaid purposes or any of them, and if so decided they shall award as to the price to be paid to the owner of said lands, but the costs shall be in the discretion of the arbitrators.
- (c) If the arbitrators award that the lands shall be taken for such cemetery, or burying ground, one copy of the award shall be deposited with the registrar of the county or city, as the case may be, in which the lands are situate, and shall be a valid title to the said lands.

Certain lands not to be taken except with consent of owner.

(d) No lands used as an orchard, pleasure ground or garden, nor any lands within two hundred yards of any dwelling house, shall be expropriated without the consent of the owner or owners of such dwelling-house.

Boundaries to be described in award.

(e) The award shall be in writing and the boundaries of the lands or premises taken shall be fully described therein.

Sub-ss 11 and 13 to apply.

(f) All the provisions of sub-sections 11 and 13 of this section shall, as far as applicable, apply to the lands acquired under this sub-section. 48 V. c. 38, ss. 1-5.

Protection of Graves.

Protecting graves.

13. For preventing the violation of cemeteries, graves, tombs, tombstones, or vaults where the dead are interred ;

Cruelty to Animals.

Preventing cruelty to animals, and destruction of birds.

14. For preventing cruelty to animals ; and for preventing the destruction of birds ; the by-laws for these purposes not being inconsistent with any statute in that behalf ;

Dogs.

Regulations as to dogs.

15. For restraining and regulating the running at large of dogs, and for imposing a tax on the owners, possessors or harbourers of dogs ;

Killing dogs.

16. For killing dogs running at large contrary to the by-laws ;

Fences.

Fences.

17. For settling the height and description of lawful fences, and for regulating and settling the height, description and manner of maintaining, keeping up and laying down fences along highways or any part or parts thereof, and for making compensation for the increased expenses, if any, to persons required so to maintain, keep up or lay down such last mentioned fences or any part thereof ; See sec. 511 (3).

Division Fences.

Division fences, and cost thereof.

18. For regulating the height, extent and description of lawful division fences ; and for determining how the cost thereof shall be apportioned ; and for directing that any amount so apportioned shall be recovered in the same manner as penalties not otherwise provided for may be recovered under this Act ; but until such by-laws are made, the Acts respecting Line Fences and Ditching Water-courses shall continue applicable to the municipality ;

Provision until by-laws made. Rev. Stat. cc. 219, 220.

19. For providing proper and sufficient protection against injury to persons or animals by fences constructed wholly or in part of barbed wire or any other material ;

Barbed-wire fences.

Snow Fences.

20. For requiring owners or occupiers of lands bordering upon any public highway, to take down, alter, or remove any fence or fences, subject to the provisions of *The Act respecting Snow Fences*; See sec. 511 (3).

Snow fences.

Rev. Stat. c. 198.

Water-courses.

21. For compelling the owners of lands through which any open drain or water-course passes to erect and keep up water-gates where fences cross such drain or water-course, and for preventing persons obstructing any drain or water-course;

Water-courses.

Weeds.

22. For preventing the growth of Canada thistles and other weeds detrimental to husbandry, and compelling the destruction thereof; for the appointment of an inspector with power to enforce the provisions of such by-law; for regulating his duties, and determining the amount of remuneration, fees or charges he is to receive for the performance of such duties; See also Cap. 202.

Prevention of growth of thistles and weeds.

Filth in Streets.

23. For preventing persons from throwing any dirt, filth, carcasses of animals, or rubbish, on any street, road, lane, or highway;

Preventing throwing of dirt, etc., in streets, etc.

Burning Stumps, Brush etc.

24. For regulating the times during which stumps, wood, logs, trees, brush, straw, shaving, or refuse, may be set on fire or burned in the open air, and for prescribing precautions to be observed during such times, and for preventing such fires being kindled at other times; 46 V. c. 18, s. 490 (10-21). See Cap. 213.

Regulating the burning of stumps, trees, brush, etc.

Exhibitions, Places of Amusement, etc.

25. For preventing or regulating and licensing exhibitions of wax work, menageries, circus-riding, and other such like shows usually exhibited by showmen, and for regulating and licensing roller skating rinks and other places of like amusement; and for requiring the payment of license fees for authorizing the same, not exceeding \$500 for every such license; and for imposing fines on such persons infringing such by-laws; and for levying the same by distress and sale of the goods and chattels of such showman or belonging to or used in such exhibition, whether owned by such showman or not, or for the imprisonment of such offenders for any term not exceeding one month;

Regulating public shows, and licensing same.

Fines for infraction.

Licenses not to be granted for certain times and places.

(c) It shall not be lawful for the council of any municipal corporation, or the commissioners of police in any city, to grant licenses or license certificates to persons having exhibitions of any work or circus-riding, or other shows of a like character, or places of gambling, or to those engaged in traffic in fruits, goods, wares, or merchandise of whatever description, for gain on the days of the exhibition of the Agricultural Association of Ontario, or of any electoral district or township agricultural society, either on the grounds of such society, or within the distance of 300 yards from such grounds. 46 V. c. 18, s. 490 (22); 49 V. c. 37, s. 12; 50 V. c. 29, s. 24.

Exhibitions, etc.

26. For preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys and other places of amusement. 46 V. c. 18, s. 490 (32);

Trees.

Encouraging planting of certain trees, etc.

27. For allowing to any person who plants fruit trees, or trees, shrubs or saplings, suitable for affording shade on any highway within the municipality, in abatement of statute labour or out of the general fund, a sum of not less than twenty-five cents for every tree so planted; *See* Cap. 201.

Injuries to Property and Notices.

Ornamental trees.

28. For preventing the injuring or destroying of trees or shrubs planted or preserved for shade or ornament; and the defacing of private or other property by printed or other notices;

Signs.

29. For preventing the pulling down or defacing of sign-boards, or of printed or written notices lawfully affixed;

Gas and Water Companies.

Authorizing gas and water companies to lay down pipes, etc.

30. For authorizing any corporate gas or water company to lay down pipes or conduits for the conveyance of water or gas under streets or public squares, subject to such regulations as the council sees fit;

Taking stock in gas and water companies.

Proviso.

Head of corporation to be a director in certain cases.

31. For acquiring stock in, or lending money to, such company; and for guaranteeing the payment of money borrowed by, or of debentures issued for money so borrowed by the company; provided the by-law is consented to by the electors, as hereinbefore provided. In such case the head of any corporation holding stock in such company to the amount of \$10,000 shall be, *ex officio*, a director of the company in addition to the other directors thereof, and shall also be entitled to vote on such stock at any election of directors;

Giving Intoxicating Liquors to Minors, etc.

32. For preventing the sale or gift of intoxicating drink to a child, apprentice or servant, without the consent of a parent, master or legal protector ; Sale of intoxicating drink to children, etc.

Public Morals.

33. For preventing the posting of indecent placards, writings or pictures, or the writing of indecent words, or the making of indecent pictures or drawings, on walls or fences in streets or public places ; Indecent placards, etc.

34. For preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language, and other immorality and indecency ; Vice, drunkenness, etc.

35. For suppressing disorderly houses and houses of ill-fame ; Lewdness.

36. For suppressing gambling houses, and for seizing and destroying faro-banks, *rouge et noir*, roulette tables, and other devices for gambling found therein ; Gaming.

37. For preventing horse racing ; Racing.

38. For restraining and punishing vagrants, mendicants, and persons found drunk or disorderly in any street, highway or public place ; Vagrants.

39. For preventing indecent public exposure of the person and other indecent exhibitions. Indecent exposure.

40. For preventing or regulating the bathing or washing the person in any public water in or near the municipality ; 46 V. c. 18, s. 490 (23-31, 33-37). Bathing.

Nuisances.

41. For preventing and abating public nuisances ; Nuisances.

42. For establishing, protecting, regulating and cleansing public and private wells, reservoirs and other public and private conveniences for the supply of water, and for closing public and private wells ; for preventing the fouling of the same and the wasting of water therein or therefrom ; for procuring an analysis of such water, and providing for the payment of the expense thereof, and for making reasonable charges for the use of public water ; By laws for cleansing wells, etc.

43. For compelling the owners, lessees and occupants of real property within any defined area to fill up or close any wells, water-closets, privies, privy-vaults, or cesspools the continuance of which may, in the judgment of the council, be dangerous to health ; Closing and filling up cesspools, etc.

Slaughter-houses, gas-works, distilleries, etc.

44. For preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances ;

Limits in which animals may be kept.

45. For preventing or regulating the keeping of cows, goats, pigs and other animals, and defining limits within which the same may be kept ;

Ringling of bells, etc.

46. For regulating or preventing the ringling of bells, blowing of horns, shouting and other unusual noises, or noises calculated to disturb the inhabitants.

Sewerage and Drainage.

Construction of cellars, drains, etc.

47. For regulating the construction of cellars, sinks, cess-pools, water-closets, earth closets, privies and privy vaults, and for compelling and regulating the manner of draining, cleaning, clearing, and disposing of the contents of the same ;

Filling up, draining, etc., grounds, yards, etc.

48. For compelling or regulating the filling up, draining, cleaning, clearing, altering, relaying or repairing of any grounds, yards, vacant lots and private drains ;

Regulations for sewerage, etc.

49. For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes.

Inspection of Meat, Milk, etc.

Tainted provisions.

50. For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food. 47 V. c. 32, s. 13 (1-9, 12).

Regulating sales, etc.

51. For preventing or regulating the buying and selling of articles or animals exposed for sale or marketed, subject to the restrictions contained in sections 497-502. 46 V. c. 18, s. 503 (4) ; 47 V. c. 32, s. 15 (1).

52. For preventing the use of deleterious materials in making bread ; and for providing for the seizure and forfeiture of bread made contrary to the by-law. 47 V. c. 32, s. 15 (2) 46 V. c. 18, s. 503 (13 part). See sec. 479 (21).

Inspection of milk and provisions.


53. For appointing inspectors, and for providing for the inspection of milk, meat, poultry, fish and other natural products offered for sale for human food or drink, whether on the streets or in public places, or in shops. 47 V. c. 32, s. 13 (10 part).

Licensing Milk Dealers.

Licensing milk dealers.

54. For licensing and regulating milk vendors, and for fixing the fee to be paid for such license at a sum not to exceed \$1 for one year. 47 V. c. 32, s. 13 (10, part).

Contagious Diseases.

55. For making provision for supplying blanks for the notification and recording of cases of contagious or infectious disease, for giving public notice of houses wherein such cases exist, and for taking such measures as by any Act respecting the public health or any other Act, are required to be taken in that behalf, and such other measures as may be necessary for preventing the spread of such diseases. 46 V. c. 18, s. 496 (13); 47 V. c. 32, s. 13 (11). Contagious diseases. 

Establishing Boundaries.

56. For procuring the necessary estimates, and making the proper application for ascertaining and establishing the boundary lines of the municipality, according to law, in case the same has not been done; and for erecting and providing for the preservation of the durable monuments required to be erected for evidencing the same. 46 V. c. 18, s. 490 (38). Regulating boundaries of municipalities.

Acquiring Land outside the limits for Public Purposes.

57. For acquiring and holding, by purchase or otherwise for the public use of the municipality, lands situate outside the limits of such township, city, town or incorporated village; but such lands so acquired shall not form part of the municipality of such township, city, town, or incorporated village, but shall continue and remain as of the municipality where situate; and all by-laws passed by township councils for the purpose of acquiring land as provided by this subsection, are hereby declared as legal and binding where the by-laws have not been contested or impeached before the 23rd day of April, 1887, as if the lands were within the limits of the municipality the council of which passed the by-law. Acquiring land outside of municipality.

Weighing Machines.

58. For erecting and maintaining weighing machines in villages or other convenient places, and charging fees for the use thereof, not being contrary to the limitations provided by sub-section 8 of section 497 of this Act. 50 V. c. 29, s. 25. Erecting and maintaining weighing machines.

Pounds, etc.

490. The council of every township, city, town and incorporated village, may also pass by-laws (not inconsistent with the Statutes of Canada respecting Cruelty to Animals)— By-laws may be made for.

1. For providing sufficient yards and enclosures for the safe keeping of such animals as it may be the duty of the pound-keeper to impound; Providing pounds.

Animals running at large.

2. For restraining and regulating the running at large or trespassing of any animals, and providing for impounding them; and for causing them to be sold, in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law;

Appraising the damages.

3. For appraising the damages to be paid by the owners of animals impounded for trespassing, contrary to the laws of Ontario or of the municipality;

Compensation with respect to impounding animals.

4. For determining the compensation to be allowed for services rendered, in carrying out the provisions of any Act, with respect to animals impounded or distrained and detained in the possession of the distrainer. 46 V. c. 18, s. 492. See Cap. 215.

Placing landmarks and monuments or marking boundaries of concessions, lots, etc.

491.—(1) In case the council of any township, city, town or incorporated village adopts a resolution on the application of one-half of the resident landholders to be affected thereby, or upon its own motion, that it is expedient to place durable monuments at the front or rear of any concession or range or part thereof in the municipality, or at the front or rear angles of the lots therein, the council may apply to the Lieutenant-Governor, in the manner provided for in sections 38, 39 and 40 of *The Act respecting Land Surveyors and the Survey of Lands*, praying him to cause a survey of such concession or range, or such part thereof, to be made, and such monuments to be placed under the authority of the Commissioner of Crown Lands.

Rev. Stat. c. 152, ss. 38-40.

Cost of survey.

(2) The person or persons making the survey shall accordingly plant stones or other durable monuments at the front or at the rear of such concession or range, or such part thereof as aforesaid, or at the front and rear angles of every lot therein (as the case may be), and the limits of each lot so ascertained and marked shall be the true limits thereof; and the costs of the survey shall be defrayed in the manner prescribed by the said statute. 46 V. c. 18, s. 491.

Extension of Sewers.

Extension of sewers into adjoining municipality.

492.—(1) In case any township, city, town, or incorporated village, shall be so situated that in the construction of any sewer therein it becomes necessary in order to procure an outlet therefor, to extend the same into or through a contiguous municipality, such township, city, town, or incorporated village so situated, shall be permitted and have power, subject as hereinafter provided, to so extend such sewer into or through such contiguous municipality, and shall be permitted and have power to unite and connect the same to any already existing sewer or sewers of such contiguous municipality, upon such terms and conditions as shall be agreed upon between the respective municipalities, and in case of a difference, then upon such terms and conditions as shall be determined by arbitration, under the provisions of this Act in that behalf.

(2) In any case where the council of any municipality shall object to allow an adjoining municipality to connect a sewer with any existing sewer or extend a sewer through its territory, as above provided, then and in every such case the arbitrators shall not only determine the terms and conditions upon which the connection or extension shall be allowed to be made; but also whether the connection or extension should, under the circumstances, be permitted or allowed to be made, but nothing in this section contained shall authorize the making of an open drain or sewer, nor shall anything herein affect the provisions of *The Ditches and Water-courses Act*. Rev. Stat. c. 220.

(3) Nothing in this section contained shall be construed as limiting or abridging any of the powers conferred on township councils by this Act. 48 V. c. 39, s. 39 (4.)

For powers of Cities, Townships, Towns and Villages as to Lock-up Houses, see secs. 458, 459; and as to Tavern and Shop Licenses, see Cap. 194.

DIVISION III.—POWERS OF COUNCILS OF TOWNSHIPS, CITIES AND TOWNS.

Respecting Plumbers. Sec 493 (1).

“ *Accidents by Fire. Sec 493 (2).*

493. The council of every township, city and town may pass by-laws :

Plumbers.

1. For licensing and regulating plumbers.

Prevention of Accident by Fire.

2. For making better provision for securing the inmates and employees in all factories, hotels, boarding and lodging houses, warehouses, theatres, music halls, opera houses and other public buildings and places of amusement against accident by fire, and providing for the adoption and erection of proper fire escapes upon all such buildings more than two stories in height. 49 V. c. 37, s. 37 : 50 V. c. 29, s. 48.

DIVISION IV.—POWERS OF COUNCILS OF COUNTIES AND CITIES.

Horse Thieves. See 494.

494. The council of every county or city shall provide by by-law, that a sum not less than \$20 shall be payable as a reward to any person or persons who shall pursue and apprehend, or cause to be apprehended, any person or persons guilty of stealing any horse or mare within the said county or city, and such reward shall be paid out of the funds of the corporation on the conviction of the thief, on the order of the Judge before whom the conviction is obtained. 46 V. c. 18, s. 494.

Reward for apprehension of persons guilty of horse stealing.

DIVISION V.—POWERS OF COUNCILS OF COUNTIES, CITIES AND SEPARATED TOWNS.

Respecting Engineers, Inspectors, Gaol Surgeons, etc. Sec. 495 (1).

" *Auctioneers. Sec. 495 (2).*

" *Hawkers and Pedlars. Sec. 495 (3).*

" *Ferries. Sec. 495 (4).*

" *High Schools. Sec. 495 (5, 6).*

" *Support of pupils at High Schools, Toronto University and U. C. College. Sec. 495 (7, 8).*

" *Endowment of Fellowships. Sec. 495 (9).*

" *Public Fairs. Sec. 495 (10).*

" *Junk Stores. Sec. 495 (11).*

by-laws may
be made for—

495. The council of any county, city and town separated from the county for municipal purposes, may pass by-laws for the following purposes:

Engineers—Inspectors—Gaol Surgeons, etc.

Appointing
engineers,
inspectors,
gaol surgeons,
etc.

1. For appointing, in addition to other officers, one or more engineers, and also one or more inspectors of the house of industry; also one or more surgeons of the gaol and other institutions under the charge of the municipality; and for the removal of such officers;

Auctioneers.

Licensing,
etc., auction-
eers.

2. For licensing, regulating and governing auctioneers and other persons selling or putting up for sale, goods, wares, merchandise or effects by public auction; and for fixing the sum to be paid for every such license, and the time it shall be in force; 46 V. c. 18, s. 495, (1, 2).

Hawkers and Pedlars.

Hawkers,
petty chap-
men, etc.

3. For licensing, regulating and governing hawkers or petty chapmen, and other persons carrying on petty trades, or who go from place to place or to other men's houses, on foot, or with any animal, bearing or drawing any goods, wares, or merchandise for sale, or in or with any boat, vessel, or other craft, or otherwise carrying goods, wares, or merchandise for sale, and for fixing the sum to be paid for a license for exercising such calling within the county, city or town, and the time the license shall be in force:

In case of counties for providing at the discretion of the council, either the treasurer or clerk of the county, or the clerk of any municipality within the county with licenses, in this and the previous sub-section mentioned, for sale to parties applying for the same under such regulations as may be prescribed in such by-laws:

Provided always that no such license shall be required for Provis. hawking, peddling or selling from any vehicle or other conveyance any goods, wares or merchandise to any retail dealer, or for hawking or peddling any goods, wares or merchandise, the growth, produce or manufacture of this Province, not being liquors within the meaning of the law relating to taverns or tavern licenses, if the same are being hawked or peddled by the manufacturer or producer of such goods, wares or merchandise, or by his *bona fide* servants or employees having written authority in that behalf; and such servant or employee shall produce and exhibit his written authority when required so to do by any municipal or peace officer:

And provided also that nothing herein contained shall affect Provis. the powers of any council to pass by-laws, under the provisions of section 496 of this Act. 46 V. c. 18, s. 495 (3); 47 V. c. 32, s. 11.

(a) The word "hawkers" in this sub-section shall include Interpretation
"Hawkers." all persons who, being agents for persons not resident within the county, sell or offer for sale tea, dry goods or jewellery, or carry and expose samples or patterns of any of such goods to be afterwards delivered within the county to any person not being a wholesale or retail dealer in such goods, wares or merchandise.

(b) The provisions of any by-law passed or enacted by any municipal council prior to the first day of October, 1885, shall not be held as extending to any persons who, by this sub-section are to be held as included within the meaning of the word "hawkers." 48 V. c. 40, ss. 1, 2.

Ferries.

4. For licensing and regulating ferries between any two Licensing, etc.
ferries, etc.
Rev. Stat.
c. 117, s. 14 places within the municipality, under the provisions of *The Act respecting Ferries*, and establishing the rate of ferriage to be taken thereon; but no such law as to ferries shall have effect until assented to by the Lieutenant-Governor in Council, but the powers by this sub-section conferred on county councils shall not extend to a ferry between any two places within the same township. 46 V. c. 18, s. 495 (4); 48 V. c. 39, s. 15.

(a) Until the council passes a by-law regulating such Until by-law
passed, Lieut.
Governor in
Council to
regulate ferries and in the case of ferries not between two places in the same municipality, the Lieutenant-Governor, by Order in Council, may, from time to time, regulate such ferries respectively, and establish the rates to be taken thereon, in accordance with the statutes in force relating to ferries. 46 V. c. 18, s. 495 (4 a).

Lands for High Schools.

Acquiring
lands for
High Schools,
etc.

5. For obtaining in such part of the county, or of any city or town separated within the county, as the wants of the people may most require, the real property requisite for erecting high school houses thereon, and for other high school purposes, and for preserving, improving and repairing such school houses, and for disposing of such property when no longer required;

Aiding High Schools.

Aiding High
Schools

6. For making provisions in aid of such high schools as may be deemed expedient;

Supporting Pupils at High Schools, Toronto University and Upper Canada College.

Supporting
certain High
School pupils
at University
of Toronto
and U. C. Col-
lege, etc.

7. For making a permanent provision for defraying the expenses of the attendance at the University of Toronto, and at the Upper Canada College in Toronto, of such of the pupils of the public high schools of the county as are unable to incur the expense, but are desirous of, and in the opinion of the respective masters of such high schools, possess competent attainments for competing for any scholarship, exhibition or other similar prize offered by such University or College: *See* Cap. 226, s. 36 (4).

Similar pro-
vision for
attendance at
High Schools.

8. For making similar provision for the attendance at any high school, for like purposes, of pupils of public schools of the municipality; *See* Cap. 226, s. 36 (5).

Endowing Fellowships.

Endowing fel-
lowships, etc.,
in University
of Toronto and
U. C. College.

9. For endowing such fellowships, scholarships or exhibitions, and other similar prizes, in the University of Toronto, and in the Upper Canada College at Toronto, for competition among the pupils of the public high schools in the county, as the council deem expedient for the encouragement of learning amongst the youth thereof; *See* Cap. 226, s. 36 (6).

Public Fairs.

Authorizing
the holding,
etc., of public
fairs, and regu-
lating same.

10. For authorizing, on petition of at least fifty qualified electors of the municipality, the holding of public fairs at one or more of the most public and convenient places not separated from the municipality for municipal purposes;

Purpose of
such fairs re-
stricted.

(a) The purpose for which such fairs may be held shall be restricted to the sale, barter and exchange of cattle, horses, sheep, pigs and articles of agricultural production or requirement.

- (b) The by-law to authorize the establishment of any such fair shall establish rules and regulations for the government of the same, and appoint a person whose duty it shall be to have them carried out, and shall also fix the fees to be paid him by persons attending the said fair. Rules to be made for governing same.
- (c) The council authorizing the establishment of a public fair shall, immediately after the passing of a by-law for that purpose, give public notice of the same. Public notice of by-law establishing same.

Junk Shops.

11. For licensing and regulating "junk" stores or shops, and for fixing the sum to be paid for a license so to have or keep such "junk" store or shop. 46 V. c. 18, s. 495 (5-11). Licensing and regulating "junk" shops.

For powers of Counties, Cities and Towns as to Houses of Refuge, See sec. 460.

DIVISION VI.—POWERS OF COUNCILS OF CITIES, TOWNS AND INCORPORATED VILLAGES.

Respecting Light and Heat. Sec. 496 (1).

" *Begging in the Streets. Sec. 496 (2).*

" *Fire-Arms, Fire-Works. Sec. 496 (3).*

" *Enclosure of Vacant Lots. Sec. 496 (4).*

" *Driving upon Sidewalks. Sec. 496 (5).*

" *Importuning Travellers. Sec. 496 (6).*

" *Interments. Sec. 496 (7, 8).*

" *Gunpowder. Sec. 496 (9).*

" *Wooden Buildings. Sec. 496 (10).*

" *Prevention of Fires. Sec. 496 (11-24).*

" *Removal of Snow, Ice, Dirt. Sec. 496 (25).*

" *Removal of obstructions to Wharves, Waters, etc. Sec. 496 (26).*

" *Obstruction of Roads and Streets. Sec. 496 (27, 28).*

" *Numbering Houses and Lots—Record of Streets. Sec. 496 (29, 30).*

" *Naming Streets. Sec. 496 (31).*

" *Cellars. Sec. 496 (32, 33).*

" *Sewerage and Drainage. Sec. 496 (34, 35).*

" *User of Streets. Sec. 496 (36, 37).*

" *Cab Stands. Sec. 496 (38).*

" *Telegraph Poles. Sec. 496 (39).*

" *Children riding behind waggons. Sec. 496 (40).*

" *Sale of Tobacco. Sec. 496 (41).*

" *Inspection of Bathing and Boat Houses. Sec. 496 (42).*

" *Markets, etc. Secs. 497-502, 503 (1-11).*

" *Assize of Bread. Sec. 503 (12).*

By-laws may be made for— **496.** The council of every city, town and incorporated village may pass by-laws :

Light and Heat.

Rev. Stat. c. 191. 1. For manufacturing and supplying light and heat under *The Municipal Light and Heat Act.* 46 V. c. 21, s. 2 (1).

Begging in the Streets.

Prevention of begging, etc. 2. For preventing common begging or persons in the streets from importuning others for help or aid in money, or deformed or malformed, or diseased persons, from exposing themselves, or being exposed in the public streets to excite sympathy or induce help or assistance from general or public charity :

Fire-arms—Fireworks.

Firing of guns, etc. 3. For preventing or regulating the firing of guns or other fire-arms ; and the firing or setting off of fire balls, squibs, crackers or fire-works, and for preventing charivaries and other like disturbances of the peace ;

Enclosure of Vacant Lots.

Vacant lots. 4. For causing vacant lots to be properly enclosed ;

Driving upon Sidewalks.

Driving, etc., upon sidewalks. 5. For preventing the leading, riding or driving of horses or cattle upon sidewalks or other places not proper therefor .

Importuning Travellers.

Importuning travellers. 6. For preventing persons in streets or public places from importuning others to travel in or employ any vessel or vehicle or go to any tavern or boarding house, or for regulating persons so employed ;

Interments.

Interments. 7. For regulating the interment of the dead, and for preventing the same taking place within the municipality ;

Bills of mortality. 8. For directing the keeping and returning of bills of mortality ; and for imposing penalties on persons guilty of default ;

Gunpowder.

Gunpowder, etc. 9. For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials : for regulating and providing for the support, by fees of magazines

for storing gunpowder belonging to private parties; for compelling persons to store therein; for acquiring land, as well within as without the municipality, for the purpose of erecting powder magazines, and for selling and conveying such land when no longer required therefor; 46 V. c. 18, s. 496 (5, 9-12, 14-16).

Wooden Buildings.

10. For regulating the erection of buildings and preventing the erection of wooden buildings, or additions thereto, and wooden fences in specified parts of the city, town, or village; and also for prohibiting the erection or placing of buildings, other than with main walls of brick, iron or stone, and roofing of incombustible material within defined areas of the city, town or village; and for regulating the repairing or alteration of roofs or external walls of existing buildings within the said areas, so that the said buildings may be made more nearly fire-proof; and for authorizing the pulling down or removal, at the expense of the owner thereof, of any building or erection which may be constructed, repaired or placed in contravention of any by-law; 47 V. c. 32, s. 16.

Regulating erection of buildings and fences.

Establishment of fire limits.

Preventing Fires.

11. For appointing fire wardens, fire engineers and firemen, and promoting, establishing, and regulating fire companies, hook-and-ladder companies, and property saving companies;

Fire companies, etc.

12. For providing medals or rewards for persons who distinguish themselves at fires; and for granting pecuniary aid, or otherwise assisting, the widows and orphans of persons who are killed by accident at such fires;

Medals and rewards, Aid to widows.

13. For preventing or regulating the use of fire or lights in stables, cabinet makers' shops, carpenters' shops, and combustible places;

Fire in stables, etc.

14. For preventing or regulating the carrying on of manufactories or trades dangerous in causing or promoting fire;

Dangerous manufactories.

15. For preventing, and for removing or regulating, the construction of any chimney, flue, fire-place, stove, oven, boiler, or other apparatus or thing which may be dangerous in causing or promoting fire;

Chimneys, stoves, etc.

16. For regulating the construction of chimneys as to dimensions and otherwise, and for enforcing the proper cleaning of the same, and for compelling manufacturers and others to have such chimneys or other apparatus as shall consume the smoke or prevent the same from fouling the atmosphere or being carried by the wind or otherwise to other shops, houses, or premises, to the inconvenience or injury of the neighbouring premises or residents therein;

Regulating construction etc., of chimneys.

- Ashes. 17. For regulating the mode of removal and safe keeping of ashes ;
- Party walls. 18. For regulating and enforcing the erection of party walls ;
- Scuttles, ladder, etc., to houses. 19. For compelling the owners and occupants of houses to have scuttles in the roof thereof, with approaches ; or stairs or ladders leading to the roof ;
- Guarding buildings against fire. 20. For causing buildings and yards to be put in other respects into a safe condition to guard against fire or other dangerous risk or accident ;
- Fire buckets. 21. For requiring the inhabitants to provide so many fire buckets, in such manner and time as may be prescribed ; and for regulating the examination of them, and the use of them at fires ;
- Inspection of premises. 22. For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same ;
- Preventing spreading of fire. 23. For making regulations for suppressing fires, and for pulling down or demolishing adjacent houses or other erections, when necessary to prevent the spreading of fire ;
- Enforcing assistance at fires. 24. For regulating the conduct, and enforcing the assistance of the inhabitants present at fires, and for the preservation of property at fires ;

Removal of Snow, Ice, Dirt.

- Removal of snow, etc. 25. For compelling persons to remove all snow and ice from the roofs of the premises owned or occupied by them ; and to remove and clear away all snow, ice and dirt, and other obstructions, from the sidewalks, streets and alleys adjoining such premises ; and also to provide for the cleaning of sidewalks and streets adjoining vacant property, the property of non-residents, and all other persons who, for twenty-four hours, neglect to clean the same ; and to remove and clear away all snow and ice, and other obstructions, from such sidewalks and streets, at the expense of the owner or occupant in case of his default ; and in case of non-payment, to charge such expenses as a special assessment against such premises, to be recovered in like manner as other municipal rates ; 46 V. c. 18, s. 496 (17-31).
- Cleaning of sidewalks, streets, etc.

(a) The council may, in the by-law passed for the purposes of this sub-section, define certain areas or streets within the municipality, within or upon which the by-law shall be operative. 48 V. c. 39, s. 17.

Removal of obstructions from wharves, waters, etc.

26. For regulating and compelling the removal from any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water, of all sunken, grounded or wrecked vessels, barges, craft, cribs, rafts, logs or other obstructions or incumbrances, by the owner, charterer or person in charge, or any other person who ought to remove the same; 47 V. c. 32, s. 12.

By-laws to regulate the cleanliness of wharves, docks, etc.

Obstruction of Roads or Streets.

27. For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any road, street, square, alley, lane, bridge or other communication;

Preventing obstruction and fouling of streets, etc.

28. For directing the removal of door-steps, porches, railings or other erections, or obstructions projecting into or over any road or other public communication, at the expense of the proprietor or occupant of the property connected with which such projections are found;

Removal of doorsteps, etc.

Numbering Houses and Lots.

29. For numbering the houses and lots along the streets of the municipality, and for affixing the numbers to the houses, buildings, or other erections along the streets, and for charging the owner or occupant of each house or lot, with the expense incident to the numbering of the same;

Numbering houses, etc.

30. For keeping (and every such council is hereby required to make and keep) a record of the streets and numbers of the houses and lots numbered thereon respectively, and entering thereon, and every such council is hereby required to enter thereon a division of the streets with boundaries and distances for public inspection; 46 V. c. 18, s. 496 (32-35.)

Record of streets, numbers, etc.

Naming Streets.

31. For surveying, settling, and marking the boundary lines of all streets, roads, and other public communications, and for giving names thereto, and affixing such names at the corners thereof, on either public or private property; but no by-law for altering the name of any street, square, road, lane, or other public communication, shall have any force or effect unless passed by a vote in favour thereof of at least three-fourths of the whole council, nor unless and until the by-law has been registered in the registry office of the registry division; and the registrar shall be entitled to a fee of \$1 for every by-law so registered, and for the necessary entries and certificates in connection therewith; 46 V. c. 18, s. 496 (36); 48 V. c. 39, s. 18.

For marking the boundaries of all public streets, etc.

- (a) Every by-law changing the name of a street in a city or town shall state the reasons for the change, and shall be expressed to be subject to the approval of the County Judge, and the same shall not take effect unless afterwards so approved.
- (b) The Judge, on an application by or on behalf of the municipal council, shall name a day, hour and place for considering the same, and for hearing the advocates of the change, and persons who may deem themselves aggrieved thereby and may desire to be heard, and any other persons the Judge may think fit.
- (c) A copy of the by-law and of the Judge's appointment shall be served on the registrar or deputy registrar of the registry division at least two weeks before the time named, and shall be published once in the *Ontario Gazette* at least two weeks before the time so named, and at least weekly for four weeks in such other newspaper or newspapers as the Judge directs.
- (d) If the Judge approves of the change he shall certify to that effect, and his certificate shall be filed with the by-law in the registry office of the registry division in which the territory lies. The change shall take effect from the date of the registration of the certificate and not before. 50 V. c. 29, s. 26.

Levels of Cellars—Plans.

Ascertaining
levels of
cellars, etc.

32. For ascertaining and compelling owners, tenants and occupants to furnish the council with the levels of the cellars heretofore dug or constructed, or which may hereafter be dug or constructed along the streets of the municipality, such levels to be with reference to a line fixed by the by-laws;

Compelling
the furnishing
of ground or
block plan of
buildings to
be erected.

33. For compelling to be deposited with an officer, to be named in the by-law, before commencing the erection of any building, a ground or block plan of such building, with the levels of the cellars and basements thereof, with reference to a line fixed by the by-laws; 46 V. c. 18, s. 496 (37, 38).

Sewerage and Drainage.

Charging rent
for sewers.

34. For charging all persons who own or occupy property which is drained into a common sewer, or which by any by-law of the council is required to be drained into such sewer, with a reasonable rent for the use of the same; and for regulating the time or times and manner in which the same is to be paid;

35. For accepting or purchasing any land in any other municipality which may be required for preventing such city, town or incorporated village, or any part thereof, being flooded by the surface or other waters flowing from such other municipality into such city, town, or incorporated village, and for providing an outlet for such waters through any other municipality, and for opening, making, preserving and improving drains, sewers and water-courses in the lands so acquired; Provided always that the consent of the municipality in which the lands to be taken are situate shall be obtained before the powers conferred by this sub-section shall be exercised; 46 V. c. 18, s. 496 (42, 43).

Acquiring land in another municipality for drainage purposes.

Provided.

User of Streets.

36. For regulating the conveyance of traffic in the public streets and the width of the tires and wheels of all vehicles used for the conveyance of articles of burden, goods, wares or merchandise, and for prohibiting heavy traffic, and the driving of cattle, sheep, pigs and other animals in certain public streets and places to be named in the by-law; 47 V. c. 32, s. 14.

Regulating traffic on streets and width of wheels.

37. For prohibiting or regulating the practice of coasting or tobogganing on the public streets; 48 V. c. 39, s. 19.

Cab Stands.

38. For authorizing, and for assigning stands for vehicles kept for hire on the public streets and places, and for authorizing the erection and maintenance of covered stands or booths on the streets, highways and public places for the protection and shelter of the drivers of such vehicles: Provided that no such booth or covered stand shall be placed upon any sidewalk without the previous consent of the owner or lessee of the property fronting, abutting or adjoining such stand or booth;

Cab stands

Provided.

Telegraph Poles.

39. For regulating the erection and maintenance of telegraph and telephone poles and wires within their limits:

Telegraph poles.

Children Riding behind Vehicles.

40. For preventing children from riding on the platform of cars, or behind waggon and other vehicles, and for preventing accidents arising from such causes; 46 V. c. 18, s. 496. (46-48).

Preventing children from riding behind waggon, etc.

Sale of Tobacco.

41. For licensing and regulating the owners and keepers of stores and shops (other than taverns and shops holding licenses under *The Liquor License Act*) where tobacco, cigars or cigarettes are sold by retail, and for preventing the sale of

Regulating sale of tobacco
Rev. Stat. c. 194.

tobacco, cigars or cigarettes to children under the age of fourteen years, except on the written order of the parent, guardian or employer of the child.

Inspection of Bathing and Boat Houses.

Inspection of
bathing and
boat houses.

42. For inspecting public bathing houses and boat-houses, or premises wholly or partly used for boat-house purposes, and for preventing the use thereof for illegal or immoral purposes. 50 V. c. 29, s. 28.

Markets, etc.

Market fees on
certain pro-
ducts abo-
lished.

497.—(1) No municipality shall impose, levy or collect a market fee upon any wheat, barley, rye, corn, oats, or upon any other grain, or upon any hay or other seed, or wool, lumber, lath or shingles, or cordwood or other firewood, or upon dressed hogs, or cheese, or upon hay, straw or other fodder, that may be brought to market, or to the market place, for sale or other disposal, or upon the person bringing, or the vehicle in which the same is or shall be brought.

Wholesale may
be charged on
butter,
etc., brought
to market.

(2) No market fee shall be charged, levied, or imposed upon or in respect of butter, eggs or poultry brought to market, or upon the market place, for sale, unless a convenient and fit place in which to offer or expose the same for sale shall be provided by the municipality, which shall afford shelter in summer, and shelter and reasonable protection from the cold in winter.

Fees not to be
charged on
articles de-
livered in pur-
suance of
prior contract.

(4) When the vendor of any article brought within the municipality in pursuance of a prior contract for the sale thereof, proceeds directly to the place of delivery thereof, under such contract, without hawking the same upon the streets or elsewhere in the municipality, it shall not be lawful to impose, levy or collect a market fee thereon, or in respect thereof, or on the vehicle in which the same is so brought.

When fees not
to be charged,
though no
prior contract.

(4) Where there is no prior contract as mentioned in the previous sub-section, no market fee shall be imposed, levied or collected upon or in respect of any article brought into any municipality after the hour of ten o'clock in the forenoon, nor on or in respect of any vehicle in which such article is so brought, unless such article is offered or exposed for sale upon the market place of the municipality.

Restriction as
to by-laws
requiring
articles to be
weighed or
measured.

(5) No by-law shall require hay, straw or other fodder to be weighed, or wood to be measured, where neither the vendor nor purchaser desires to have the same so weighed or measured.

Limit of time
for entering
sale of goods
at market.

(6) After nine o'clock in the forenoon, between the 1st day of April and the 1st day of November, and after ten o'clock in the forenoon, between the 1st day of November and the 1st day of April, no person shall be compelled to remain on

any market place with any article which he may have been exposing or offering for sale in such market place, but may, after the expiration of such hour, proceed to sell such article elsewhere than in or on said market place; Provided that such person has paid the market fee on or in respect of such article, or the vehicle in which the same is contained.

(7) No market fees shall be imposed by any municipality higher than those contained in the following scale: Scale of market fees.

| | |
|--|-----------|
| Upon articles brought to the market place in a vehicle drawn by two horses, upon which fees may be imposed, not more than..... | 10 cents. |
| Upon articles brought to the market place in a vehicle drawn by one horse, not more than..... | 5 cents. |
| Upon articles brought to the market place by hand or in any basket or vessel, not more than..... | 2 cents. |
| Upon or in respect of live stock driven to or upon the market place for sale, as follows: | |
| Every horse, mare, or gelding, not more than.. | 10 cents. |
| Every head of horned cattle, not more than..... | 5 cents. |
| Every sheep, calf, or swine, not more than..... | 2 cents. |

(8) No fee shall be imposed or levied by any municipality for weighing or measuring greater than as follows: Scale of fees for weighing or measuring.

| | |
|--|-----------|
| For weighing a load of hay..... | 15 cents |
| For weighing slaughtered meat, or grain, or other articles exposed for sale, under one hundred pounds..... | 2 cents. |
| Over one hundred pounds, and up to one thousand pounds..... | 5 cents. |
| Over one thousand pounds..... | 10 cents. |
| For weighing live animals, other than sheep or pigs, per head..... | 3 cents. |
| Sheep or pigs, if more than five, per head..... | 1 cent. |
| If less than five, for the lot..... | 4 cents. |
| For measuring a load of wood | 5 cents. |

(9) Subject to the other provisions of this section, the municipality may regulate the sale by retail in the public streets, or on vacant lots adjacent thereto, of any of the articles herein mentioned, and may regulate traffic in the streets, and prevent the blocking up of the same by vehicles or otherwise. 46 V. c. 18, s. 497. Regulation of sale and traffic.

498.—(1) The preceding section shall not apply to any municipality which shall pass, and so long as it shall keep in force, a by-law providing that the vendors of any articles in respect of which a market fee may, under this Act be lawfully imposed, may, without paying market fees, offer for sale and sell or otherwise dispose of any such articles, at any place within the municipality, excepting only at and upon the market place or places thereof. Preceding section not to apply where by-law in force allowing sale, except at the market, without payment of fees;

but such by-law may impose fees on persons voluntarily using market ;

(2) Such by-law may, nevertheless, provide for the imposition and collection of market fees from such vendors of articles in respect of which a market fee may now be imposed, under this Act, as shall voluntarily use the market place for the purpose of selling such articles.

and on others taking advantage of market

(3) The by-law may also provide for the imposition upon and collection of market fees from any person who shall remain, or cause his vehicle to remain upon that part of any street immediately adjoining or surrounding or being within 100 yards of the market place, for the purpose of selling upon such street or streets such articles, so as to obtain the advantages of the said market place, but driving through or across such portions of streets shall not of itself be deemed sufficient ground for the imposition of any fee ; but this sub-section shall not apply to grain, seeds, dressed hogs or wool.

By-law not to interfere with sales to persons carrying on business in vicinity of market.

(4) The by-law shall not prevent the sale of any such articles to any person carrying on business and having an actual and *bona fide* store, shop or other similar place of business, on those portions of the streets in the next preceding sub-section mentioned ; nor shall the by-law authorize the imposing or levying of any fee in respect of any article so sold, or of any vehicle in which the same is contained.

Restriction on fees.

(5) It shall not be lawful for any municipality passing such by-law to impose a higher tariff or greater fee upon any article or vehicle than was in force or imposed by the municipality on the 1st day of March, 1882.

Fees not to be charged on markets made in streets.

(6) No market fee shall be levied, collected or imposed by any municipality in respect of any market place or market, or any portion of any such market place or market hereafter established, declared or made in, on, or out of any street or part of any street within said municipality : Provided always that this sub-section shall not apply to so much of any street as immediately adjoins and abuts upon any market square, either now or hereafter established as a market place. 46 V. c. 18, s. 498.

Preceding section not to apply when no fees are charged.

499. The preceding section shall not apply to any municipality where no market fees were charged or imposed on the 10th day of March, 1882, but sections 497, 500 and 501 shall apply to such municipality in the event of market fees being thereafter charged or imposed therein. 46 V. c. 18, s. 499.

Power to regulate sales when no fees are charged.

500. Nothing in the preceding sections contained shall prevent any municipality wherein no market fees are imposed or charged from regulating the sale and the place of sale of any articles within the municipality to the same extent as it might do before the 10th day of March, 1882 : Provided always that market fees within the meaning of this section shall not include fees for weighing or measuring : Provided further, that after nine o'clock in the forenoon, between the

1st day of April and the 1st day of November, and after ten o'clock in the forenoon, between the 1st day of November and the 1st day of April, no person shall be compelled to remain on, or resort to, any market place with any articles which he may have for sale, but may, after the expiration of such hour, sell or dispose of such articles elsewhere than in or on said market-places. 46 V. c. 18, s. 500.

501. When and so long as section 497 shall be in force and apply to any municipality, so much of any Act or law as may be contrary to, and as shall conflict with the same, shall not be in force in or apply to such municipality; and when and as long as section 498 shall be in force in and apply to any municipality, so much of any Act or law as may be contrary to, and as shall conflict with the same, shall not be in force in or apply to such municipality. 46 V. c. 18, s. 501.

Inconsistent enactments to be of no effect.

502. Subject to the provisions of the last preceding five sections, every municipality shall have the power to sell, assign, or lease its market fees. 46 V. c. 18, s. 502.

Right to lease market fees.

503. The council of every city, town and incorporated village may, subject to the restrictions and exceptions contained in the last preceding six sections, also pass by-laws:

Market by laws.

1. For establishing markets;

Establishing markets.

2. For regulating all markets established and to be established; the places, however, already established as markets in the municipality, shall continue to be markets, and shall retain all the privileges thereof until otherwise directed by competent authority; and all market reservations or appropriations heretofore made in any such municipality shall continue to be vested in the corporation thereof;

Regulating markets.

Old markets continued.

3. For preventing or regulating the sale by retail in the public streets, or vacant lots adjacent thereto, of any meat, vegetables, grain, hay, fruit, beverages, small-ware, and other articles offered for sale. 46 V. c. 18, s. 503 (1-3).

Regulating vending in streets, etc.

4. For regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw, fodder, wood, lumber, shingles, farm produce of every description, small-ware and all other articles exposed for sale, and the fees to be paid therefor; and also for preventing criers and vendors of small-ware from practising their calling in the market place, public streets and vacant lots adjacent thereto;

Sale of grain, meat, farm produce, small ware, etc.

5. For granting annually, or oftener, licenses for the sale of fresh meat in quantities less than by the quarter carcase, and for regulating such sale, and fixing and regulating the places where such sale shall be allowed, and for imposing a license fee not exceeding \$50 in cities and \$25 in towns and incorporated villages to be paid for such license, and for

Regulating sale of meat.

enforcing the payment of the same, and for preventing the sale of fresh meat in quantities less than by the quarter carcase, unless by a person holding a valid license and in a place authorized by the council, but nothing herein contained shall affect the powers conferred in the preceding sub-section. 46 V. c. 18, s. 503 (5, 6).

Preventing
forestalling,
etc.

6. For preventing the forestalling, regrating or monopoly of market grains, wood, meats, fish, fruits, roots, vegetables, poultry and dairy products, eggs and all articles required for family use, and such as are usually sold in the market; Provided that this sub-section shall not be qualified as respects shops or stalls occupied by butchers or others for the sale of fresh meat in quantities less than by the quarter carcase within the said municipality by anything contained in sections 497 or 500 of this Act. 46 V. c. 18, s. 503 (7); 50 V. c. 29, s. 29.

Regulating
hucksters, etc.

7. For preventing and regulating the purchase of such things by hucksters, grocers, butchers or runners; 46 V. c. 18, s. 503 (8).

Measuring,
etc., certain
articles.

8. For regulating the measuring or weighing (as the case may be) of lime, shingles, laths, cordwood, coal and other fuel; 46 V. c. 18, s. 503 (9); 49 V. c. 37, s. 13.

Penalties for
light weight,
etc.

9. For imposing penalties for light weight or short count or short measurement in anything marketed; *See sec. 479 (21).*

Regulating
vehicles used
in market
vending.

10. For regulating all vehicles, vessels, and all other things in which anything is exposed for sale or marketed and for imposing a reasonable duty thereon, and establishing the mode in which it shall be paid;

Sale of meat,
distrained.

11. For selling, after six hours' notice, butchers' meat distrained for rent of market stalls; 46 V. c. 18, s. 503 (10-12).

Assize of Bread.

Assize of
bread.

12. For regulating the assize of bread. 46 V. c. 18, s. 503 (13 part). *See Sec. 479 (21).*

DIVISION VII.—POWERS OF COUNCILS OF CITIES AND TOWNS.

Respecting Intelligence Offices. Sec. 504 (1-5).

“ *Police. Sec. 504 (6, 7).*

“ *Industrial Farms—Exhibitions. Sec. 504 (8-10).*

“ *Almshouses—Charities. Sec. 504 (11).*

“ *Corporation Surveyor. Sec. 504 (12).*

“ *Gas and Water. Sec. 504 (13), 505-508.*

504. The council of every city and town may pass by-laws : By-laws may be made for—

Intelligence Offices.

1. For licensing and regulating suitable persons to keep intelligence offices, for registering the names and residences of, and giving information to, or procuring servants, labourers, workmen, clerks or other employees for employers in want of the same, and for registering the names and residences of, and giving information to, or procuring employment for domestic servants and other labourers and any other class of servant, workman, clerk or person seeking employment, and for fixing the fees to be charged and recovered by the keepers of such offices ; 50 V. c. 29, s. 30. Licensing intelligence offices.
2. For the regulation of such intelligence offices ; Regulation of.
3. For limiting the duration of or revoking any such license ; Duration of license.
4. For prohibiting the opening or keeping of any such intelligence office within the municipality without license ; Prohibition without license.
5. For fixing the fee to be paid for such license, not exceeding \$10 for one year. 46 V. c. 18, s. 504 (2-5.) Fees.

Police.

6. For establishing, regulating and maintaining a police ; Police but subject to the other provisions of this Act ;
7. For aiding and assisting by annual money grant or otherwise, as the council may deem expedient, the establishment and maintenance of superannuation and benefit funds for the benefit of the members of the police force and fire brigades, and of their families respectively, where police forces and fire brigades are established ; Superannuation and benefit funds for fire and police force.

Industrial Farm—Exhibitions.

8. For acquiring any estate in landed property within or without the city or town for an industrial farm, or for a public park, garden or walk, or for a place for exhibitions, and for the disposal thereof when no longer required for the purpose : and for accepting and taking charge of landed property, within or without the city or town, dedicated for a public park, garden or walk for the use of the inhabitants of the city or town ; *See secs. 460, 462.* Industrial farms, parks, etc.
9. For the erection thereon of buildings and fences for the purposes of the farm, park, garden, walk or place for exhibitions as the council deems necessary ; Buildings thereon.

Managing the
sanie.

10. For the management of the farm, park, garden, walk or place for exhibitions and buildings;

Almshouses—Charities.

Almshouses,
etc.

11. For establishing and regulating within the city or town, or on the industrial farm or ground held for public exhibitions, one or more almshouses or houses of refuge for the relief of the destitute, and also for aiding charitable institutions within the city or town; *See sec. 479 (12), and as to Workhouses, sec. 462.*

Corporation Surveyor.

Corporation
surveyor.

12. For appointing any provincial land surveyor to be the corporation surveyor; 46 V. c. 18, s. 504 (7-13).

Gas and Water.

Construction
of gas and
water works.

13. For constructing gas and water works, and for levying an annual special rate to defray the yearly interest of the expenditure therefor, and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding thirty years, nor less than five years. 46 V. c. 18, s. 504 (14).

Estimate to be
published, and
notice of tak-
ing poll on by-
law.

505. No by-law under the last sub-section of the preceding section shall be passed —

Firstly:—Until estimates of the intended expenditure have been published for one month, and notice of the time appointed for taking a poll of the electors on the proposed by-law has been published for two months, and a copy of the proposed by-law at length, as the same may be ultimately passed, and a notice of the day appointed for finally considering the same in council, have been published for three months, in some newspaper in the municipality; or if no newspaper is published therein, then in some newspaper in the county in which the municipality is situate;

Poll to be held
and majority
must be in
favour.

Nor, secondly:—Until, at a poll held in the same manner and at the same places and continued for the same time as at elections for councillors, a majority of the electors, voting at the poll, vote in favour of the by-law;

By-law to be
passed within
three months.

Nor, thirdly:—Unless the by-law is passed within three months after holding the said poll. 46 V. c. 18, s. 505.

If by law
rejected.

506. If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the current year. 46 V. c. 18, s. 506.

507. In case there is any water company incorporated for the municipality, the council shall not levy any water rate until such council has, by by-law, fixed a price to offer for the works or stock of the company; nor until after thirty days have elapsed after notice of such price has been communicated to the company without the company's having accepted the same, or having, under the provisions of this Act as to arbitrators, named and given notice of an arbitrator to determine the price, nor until the price accepted or awarded has been paid, or has been secured to the satisfaction of the company. 46 V. c. 18, s. 507.

Provisions where there is a water company incorporated for the municipality.

508. The foregoing clauses or any of them shall not be construed to apply to, or affect the provisions contained in, any special Act obtained, or to be obtained, by any company or municipal corporation. 46 V. c. 18, s. 508.

Provisions in special Acts.

DIVISION VIII.—POWERS OF COUNCILS OF TOWNSHIPS, TOWNS AND VILLAGES.

509. The council of every township, town or village may pass by-laws— Drainage.

Borrowing Money for Drainage Purposes.

For borrowing money and issuing debentures therefor, for the purposes and subject to the provisions of *The Tile, Stone and Timber Drainage Act*. 46 V. c. 18, s. 509. Rev. Stat. c. 38.

DIVISION IX.—POWERS OF COUNCILS OF TOWNS AND INCORPORATED VILLAGES.

510. The council of every town and incorporated village may pass by-laws: By-laws may be made for—

Licensing Vehicles, etc.

For regulating and licensing the owners of livery stables, and of horses, cabs, carriages, omnibuses and other vehicles for hire; for establishing the rates of fares to be taken by the owners or drivers, and for enforcing payment thereof. 46 V. c. 18, s. 510. Regulating and licensing livery stables, cabs, etc.

DIVISION X.—EXCLUSIVE POWERS OF COUNCILS OF
COUNTIES.

| | |
|--|----------------------------------|
| <i>Respecting Protection of Booms.</i> | <i>Sec. 511 (1).</i> |
| " <i>Guaranteeing Debentures.</i> | <i>Sec. 511 (2).</i> |
| " <i>Fences.</i> | <i>Sec. 511 (3).</i> |
| " <i>Livery Stables, etc.</i> | <i>Sec. 512.</i> |
| " <i>Board of Audit—Criminal Justice Account.</i> | <i>Secs.</i> <i>513, 514.</i> |
| " <i>Improvements by either County of a Union.</i> | <i>Secs.</i> <i>515-519.</i> |
| " <i>Support of Destitute Insane Persons.</i> | <i>Sec. 520.</i> |
| " <i>Roads and Bridges.</i> | <i>See sec. 565.</i> |

By-laws may
be made for—

511. The council of every county may make by-laws :

Protecting Booms.

Protecting
booms.

1. For protecting and regulating booms on any stream or river for the safe keeping of timber, saw-logs and staves within the municipality ;

Guaranteeing Debentures.

Guaranteeing
debentures.

2. For guaranteeing debentures of any municipality within the county, as the council may deem expedient ; 46 V. c. 18, s. 511.

Fences.

Powers of
county
councils in
respect of
fences.

3. For the exercise, in respect of fences along highways, or parts thereof, which it is the duty of the council to maintain, of the powers conferred upon the councils of townships, cities, towns and incorporated villages, by sub-sections 17 and 20 of section 489 of this Act. 48 V. c. 39, s. 14.

(d) The council of every county shall be deemed and held to have had, and possessed on, from, and since the first day of February, 1883, the powers conferred by this sub-section, and also the power to assist, aid, and compensate, either by payment of money or otherwise, any owner or occupier of land bordering upon any public highway within the county for the taking down, altering or removing any fence or fences which, in the opinion of the council, would be likely to cause such an accumulation of snow or drift as would impede or obstruct travel on such highway or any part thereof, or for the erection and construction of some other description of fence, approved of, or designated by the council, and subject to such terms and conditions in that behalf as by such council have been or shall be fixed and prescribed. 49 V. c. 37, s. 35.

Livery Stables, etc.

512. The council of every county, having county gravel or macadamized roads within its jurisdiction, and under its immediate control, such roads being kept up and repaired by municipal taxation, and upon which no toll is collected, shall have power to pass a by-law or by-laws for regulating and licensing the owners of livery stables, and of horses, cabs, carriages, omnibuses, and all other vehicles used or kept for hire; and for issuing and regulating teamsters' licenses; for regulating the width of tire used on such vehicles; for establishing the rates of fare that may be collected or taken by the owners or drivers; for enforcing the payment of such licenses, regulating rates of fares for the conveyance of goods or passengers; and for enforcing the width of tire that may be used on such vehicles, when travelling on the aforesaid county gravel or macadamized roads. 46 V. c. 18, s. 512.

Regulating and licensing livery stables, etc.

Tires.
Rates of Fare.*Board of Audit—Criminal Justice, etc.*

513. Every county council shall appoint at its first meeting in each year two persons, not more than one of whom shall belong to the council, to be members of the board of audit, for auditing and approving accounts and demands preferred against the county, the approving and auditing whereof previous to the 19th day of December, 1868, belonged to the General Quarter Sessions. 46 V. c. 18, s. 513.

County board of audit.

514. The council may pay the members of the said board of audit any sum not exceeding \$4 each per day for their attendance at such audit, and five cents for each mile necessarily travelled in respect thereof in going to and from such audit. 46 V. c. 18, s. 514.

Payment of members of board.

Improvements by either County of a Union.

515. The councils of united counties may make appropriations and raise funds to enable either county, separately, to carry on such improvements as may be required by the inhabitants thereof. 46 V. c. 18, s. 515.

Enabling either county of a union to make improvements therein.

516. Whenever any such measure is brought before the council of any united counties, none but the reeves and deputy reeves of the county to be affected by the measure shall vote; except in case of an equality of votes, when the warden, whether a reeve or deputy reeve of any portion of the county to be affected by the measure or not, shall have the casting vote. 46 V. c. 18, s. 516.

Reeves, etc., of the county interested alone to vote. Exception.

517. In all other respects, all the provisions of this Act making provision for the payment of the amounts appropriated, whether to be borrowed upon a loan or to be raised directly by taxation, shall be adhered to. 46 V. c. 18, s. 517.

Provisions of this Act for repayment to apply.

Treasurer to
pay over
monies with-
out deduction.

518. The treasurer of the united counties shall pay over all sums so raised and paid into his hands by the several collectors, without any deduction or percentage. 46 V. c. 18 s. 518.

The property
to be assessed
in such cases.

519. The property to be assessed for the purposes contemplated in the last preceding four sections of this Act, shall be the same as the property assessed for any other county purpose, except that any sum to be raised for the purposes of one county only, or for the payment of any debt contracted for the purposes of one county only, shall be assessed and levied solely upon property assessed in that county, and not upon property in any other county united with it, and any debenture that may be issued for such purposes may be issued as the debenture of the said one county only, and shall be as valid and binding upon that county as if that county were a separate municipality, but such debentures shall be under the seal of the united counties, and be signed by the warden thereof. 46 V. c. 18, s. 519.

Support of Destitute Insane Persons.

County council
to make provis-
ion for the
destitute
insane.

520. The county council of each county shall from time to time, make provision for the whole or partial support either in the county gaol or some other place within the county of such insane destitute persons as cannot properly be admitted to the Provincial asylums, and shall determine the sum to be paid for such support, and also the parties to whom such sums shall be paid by the county treasurer. 46 V. c. 18. s. 520.

DIVISION XI.—EXCLUSIVE POWERS OF COUNCILS OF TOWNSHIPS.

Respecting Statute Labour. Sec. 521 (1-8).

" *Town Halls. Sec. 521 (9, 10).*

" *Ferries. Sec. 521 (11).*

" *Purchasing Wet Lands. Sec. 521 (12).*

" *Boundaries of Marsh Lands. Sec. 521 (13).*

" *Nuisances. Sec. 521 (14).*

" *Dry Earth Closets. Sec. 521 (15).*

" *Obstructions to Streams and Water-Courses. Sec. 521 (16-18), 522.*

" *Repair of Roads. Sec. 523.*

By laws may
be made for—

521. The council of every township, may pass by-laws—

Statute Labour.

Commutation
of statute
labour.

1. For empowering any person (resident or non-resident) liable to statute labour within the municipality, to compound for such labour, for any term not exceeding five years, at any sum not exceeding \$1 for each day's labour;

2. For providing that a sum of money, not exceeding Rate of \$1 for each day's labour, may or shall be paid in commuta- commutation. tion of such statute labour;

3. For increasing or reducing the number of days' labour, Fixing number of days' statute labour. to which the persons rated on the assessment roll or otherwise shall be liable, in proportion to the statute labour to which such persons are liable in respect of the amounts at which they are assessed, or otherwise respectively;

4. For enforcing the performance of statute labour, or pay- Enforcing statute labour. ment of a commutation in money in lieu thereof, when not otherwise provided by law;

5. For regulating the manner and the divisions in which Regulating performance, etc. statute labour or commutation money shall be performed or expended;

6. For reducing the amount of statute labour to be per- Reducing or abolishing. formed by the ratepayers or others within the municipality, or for entirely abolishing such statute labour; 46 V. c. 18, s. 521 (1-6).

7. For providing for the making and keeping open of township roads during the season of sleighing in each year, and for appointing overseers of highways, or pathmasters to perform that duty, and such overseers and pathmasters shall have full power to call out persons liable to perform statute labour within their respective municipalities, to assist in keeping open such roads, and may give to such persons as may be employed in so doing certificates of having performed statute labour to the amount of the days' work done, and such work shall be allowed for to such persons in their next season's statute labour;

8. For providing for the application of so much of the commutation of the statute labour fund, as may be necessary for keeping open such roads as last aforesaid, within such respective municipalities. 48 V. c. 39, s. 20, *part.*

Town Halls.

9. For acquiring lands in any town or incorporated village Acquiring land for a town hall in a town or village. within, or partly within, the original boundaries of the township, for the purpose of erecting thereon a town hall, or for renting or acquiring a hall, within such town or village, for the purpose of a town hall;

10. Any township owning, renting or otherwise acquiring a Township and other meetings may be held and notices posted at such hall. town hall in any such town or village may hold at such town hall, any meeting, nomination, or election, or post at such town hall any notice, assessment roll, or voters' list, or do thereat any other act required by law to be held, posted or done in the township at the town hall, and any meeting

of any mutual insurance company, or upon the formation thereof, which is required by any statute to be held in the municipality, may lawfully be held in such hall. 46 V. c. 18, s. 521 (7, 8).

Ferries.

Powers of townships as to ferries.

11. For licensing and regulating ferries between any two places within the township with the same rights and powers in respect thereof, and as to establishing rates as are conferred upon county councils by sub-section 4 of section 494 of this Act, and upon the same terms and conditions as are provided by said sub-section 4; but this shall not apply to any ferry for which a license had been granted prior to the 30th day of March, 1885, and was then running, until the expiry of such license. 48 V. c. 39, s. 16.

Purchasing Wet Lands.

Purchase of wet lands from Government, &c.

12. For purchasing from the Government or any corporation or person, at a price (in case of Crown Lands, to be fixed by the Lieutenant-Governor in Council, and which price the Lieutenant-Governor in Council is hereby authorized to fix), all the wet lands at the disposal of the Crown or such corporation or person in such township; and such lands may be sold accordingly to the corporation of such township;

Raising money for purchasing and draining same.

(a) The purchase and draining of such lands shall be one of the purposes for which any such corporation may raise money by loan or otherwise, or for which they may apply any of their funds not otherwise appropriated.

May hold or dispose of such land.

(b) The corporation of a township may possess and hold the land so purchased, and may, whenever they deem it expedient, sell or otherwise depart with or dispose of the same by public auction, in like manner as they may by law sell or dispose of other property, and upon such terms and conditions, and with such mortgages upon the land so sold, or other security for the purchase money or any portion thereof, as they may think most advantageous.

Proceeds of sale.

(c) The proceeds of the sale of such lands shall form part of the general funds of the municipality. 46 V. c. 18, s. 482 (21).

Boundaries of Marsh Lands.

Boundaries of marsh lands.

13. For declaring that in the case of any lands, the boundary line, or any part of the boundary line whereof passes through a marsh or swamp, or any land covered with water, the same shall, so far as respects that part of such boundary line which so passes through a marsh or swamp, or land covered with water, be deemed to be wholly enclosed within the meaning of section 1 of *The Act respecting Petty Trespasses*, if posts

are put up and maintained along such part of such line at distances which will permit of each being clearly visible from the adjoining post. 50 V. c. 29, s. 50.

Nuisances.

14. For regulating slaughter houses and manufactures or trades which may prove to be nuisances. 49 V. c. 37, s. 14.

Dry Earth Closets.

15. For regulating the construction of dry earth closets and compelling the use of the same within such limits within the municipality as may be defined by the by-law. 50 V. c. 29, s. 31.

Obstructions to Streams and Watercourses.

16. For preventing the obstruction of streams, creeks and water-courses, by trees, brushwood, timber or other materials, and for clearing away and removing such obstructions at the expense of the offenders or otherwise ;

Preventing obstruction of streams, etc.

17. For levying the amount of such expense, in the same manner as taxes are levied ;

Levying expenses.

18. For imposing penalties on parties causing such obstructions. 46 V. c. 18, s. 521 (9-11).

Penalties.

522.—(1) Whenever any stream or creek in any township is cleared of all logs, brush or other obstructions to the town line between such township and any adjoining township into which such stream or creek flows, the council of the township in which the creek or stream has been cleared of obstruction may serve a notice in writing on the head of the council of the adjoining township into which the stream or creek flows, requesting such council to clear such stream or creek through their municipality ; and it shall be the duty of such last named council, within six months after the service of the notice as aforesaid, to enforce the removal of all obstructions in such creek or stream within their municipality, to the satisfaction of any person whom the council of the county, in which the municipality whose council served the notice is situate, shall appoint to inspect the same. 46 V. c. 18, s. 522.

When stream in any township cleared of obstructions, notice may be served on council of adjoining municipality requiring them to clear such stream within their municipality.

(2) When a river or stream which forms a boundary line between two municipalities becomes obstructed with driftwood or fallen timber, any one of the councils of such municipalities may cause the removal of such driftwood or fallen timber, and may pay the costs of such removal out of the general funds of the municipality. 50 V. c. 29, s. 32.

Repair of Roads.

523. No stone, gravel or other material shall be put upon the roads for repairs during the winter months so as to interfere with sleighing. 48 V. c. 39, s. 20 *part*.

TITLE II.—POWERS AND DUTIES OF COUNCILS AS TO HIGHWAYS AND BRIDGES.

DIV. I.—GENERAL PROVISIONS.

DIV. II.—COUNTIES, TOWNSHIPS, CITIES, TOWNS AND VILLAGES.

DIV. III.—TOWNSHIPS, CITIES, TOWNS AND VILLAGES.

DIV. IV.—COUNTY AND TOWNSHIP COUNCILS.

DIV. V.—COUNTY COUNCILS.

DIV. VI.—TOWNSHIP COUNCILS.

DIVISION I.—GENERAL PROVISIONS.

Highways defined. Sec. 524.

Freehold in Crown. Sec. 525.

Jurisdiction of Councils. Sec. 526.

Possession in Municipalities. Sec. 527.

Acquiring Roads for Public Avenues. Sec. 528.

Assumption of County Bridges by Villages. Sec. 529.

Liability for Repairs. Secs. 530, 531.

County Roads and Bridges. Secs. 532, 533.

Improving and Maintaining County Roads. Secs. 534, 535.

Maintaining Township Roads. Secs. 536, 537.

Roads under Joint Jurisdiction. Secs. 538-540.

Transfer of former Powers of Justices in Sessions to County Councils. Sec. 541.

Roads vested in Her Majesty. Sec. 542.

Roads on Dominion Lands. Sec. 543.

Roads necessary for ingress and egress. Sec. 544.

Width of Roads. Sec. 545.

Notices of By-laws affecting Public Roads. Sec. 546.

Registration of Road By-laws. Sec. 547.

Disputes respecting Roads—Administration of Oaths. Sec. 548.

Mistakes in opening Road Allowances. Sec. 549.

Highways Defined.

What shall constitute public highways.

524. All allowances made for roads by the Crown surveyors in any town, township or place already laid out or hereafter laid out; and also all roads laid out by virtue of any statute, or any roads whereon the public money has been expended for opening the same, or whereon the statute labour has been usually performed, or any roads passing through the Indian lands, shall be deemed common and public highways, unless where such roads have been already altered, or may hereafter be altered according to law. 46 V. c. 18, s. 524. See Cap. 152, secs. 44, 45, 62 (1).

Freehold in the Crown.

525. Unless otherwise provided for, the soil and freehold of every highway or road altered, amended or laid out according to law, shall be vested in Her Majesty, Her Heirs and Successors. 46 V. c. 18, s. 525.

Certain highways, etc., vested in the Crown.

Jurisdiction of Municipal Councils.

526. Subject to the exceptions and provisions hereinafter contained, every municipal council shall have jurisdiction over the original allowances for roads and highways and bridges within the municipality. 46 V. c. 18, s. 526.

Jurisdiction of councils over roads, etc.

Possession in Municipalities.

527. Every public road, street, bridge or other highway, in a city, township, town or incorporated village, shall be vested in the municipality, subject to any rights in the soil which the individuals who laid out such road, street, bridge or highway reserved, and except any concession or other road within the city, township, town or incorporated village, taken and held possession of by an individual in lieu of a street, road or highway laid out by him without compensation therefor. 46 V. c. 18, s. 527.

Streets in cities, townships, towns and incorporated villages vested in municipalities subject to certain rights.

Acquiring Roads for Public Avenues.

528. The council of every city and town may respectively pass by-laws for acquiring and assuming possession of and control over, any public highway or road in an adjacent municipality by and with the consent of such municipality, the same being signified by a by-law passed for that purpose, for a public avenue or walk ;

Acquiring roads and lands for public avenue or walk.

And for acquiring from the owners of the land adjacent to such highway or road, such land as may be required on either side of such highway or road to increase the width thereof to the extent of 100 feet or less, subject to the provisions of section 483 of this Act. 46 V. c. 18, s. 528.

Assumption of County Bridges by Villages.

529. The councils of every county and incorporated village may pass by-laws for carrying out any arrangement between them for the assumption, by the village municipality, of any bridge within its limits, under the jurisdiction of the county council, and for such bridge being toll free; and for the payment by the village municipality to the county municipality of any part of the cost of the construction of such bridge;

Assumption by villages of bridges under control of county.

After the passing of such by-laws the bridge shall be, and remain, under the exclusive jurisdiction of the village muni-

cipality; and the village municipality shall be subject to all the liabilities in the premises, which but for the transfer would have devolved on the county municipality; and the bridge shall be and remain toll free. 46 V. c. 18, s. 529.

Liability for Repairs.

Approaches to bridges.

530. The approaches for 100 feet to and next adjoining each end of all bridges belonging to, assumed by, or under the jurisdiction of any municipality or municipalities, shall be kept up and maintained by such municipality or municipalities: the remaining portion or portions of such approaches shall be kept up and maintained by the local municipalities in which they are situate. 46 V. c. 18, s. 530.

Liability for repair of public roads, etc.

531.—(1) Every public road, street, bridge and highway shall be kept in repair by the corporation, and on default of the corporation so to keep in repair, the corporation shall, besides being subject to any punishment provided by law, be civilly responsible for all damages sustained by any person by reason of such default, but the action must be brought within three months after the damages have been sustained.

Limitation of actions.

To what roads applicable.

(2) This section shall not apply to any road, street, bridge or highway laid out by any private person, and the corporation shall not be liable to keep in repair any such last mentioned road, street, bridge or highway, until established by by-law of the corporation, or otherwise assumed for public use by such corporation. 46 V. c. 18, s. 531.

Repair of crossings, etc., made by leave of municipality on toll roads.

(3) The corporation shall, in the absence of an agreement to the contrary, keep in repair all crossings, sewers, culverts and approaches, grades, sidewalks and other works made or done by the council of any municipality, or by any person with the permission of the said council, upon any toll road in or through the said municipality, and on default so to keep in repair shall be responsible for all damages sustained by any person by reason of such default, but the action must be brought within three months after the damages have been sustained. 47 V. c. 32, s. 17; 48 V. c. 39, s. 21.

Remedy in case of damages for injury caused by parties, other than the corporation sued.

(4) In case an action is brought against a municipal corporation to recover damages sustained by reason of any obstruction, excavation or opening in a public highway, street or bridge placed, made, left or maintained by another corporation or by any person other than a servant or agent of the municipal corporation, the last mentioned corporation shall have a remedy over against the other corporation or person for and may enforce payment accordingly of the damages and costs, if any, which the plaintiff in the action may recover against the municipal corporation; provided nevertheless that the municipal corporation shall only be entitled to the said remedy over if the other corporation or person shall be or be made a party to the action

and if it shall be established in the action as against the other corporation or person that the damages were sustained by reason of an obstruction, excavation or opening as aforesaid placed, made, left or maintained by the other corporation or person; and the municipal corporation may in such action have the other corporation or person added as a party defendant or third party for the purposes hereof if the same is not already a defendant in the action jointly with the municipal corporation and the other corporation or person may defend such action as well against the plaintiff's claim as against the claim of the municipal corporation to a remedy over; and the Court or Judge upon the trial of the action may order costs to be paid by or to any of the parties thereto or in respect of any claim set up therein as in other cases. 50 V. c. 29, s. 33.

County Roads and Bridges.

532. The county council shall have exclusive jurisdiction over all roads and bridges lying within any township, town or village in the county, and which the council by by-law assumes with the assent of such township, town or village municipality as a county road, or bridge, until the by-law has been repealed by the council, and over all bridges across streams separating two townships in the county, and over all bridges crossing streams or rivers over 100 feet in width, within the limits of any incorporated village in the county, and connecting any main highway leading through the county, and over all bridges over rivers forming or crossing boundary lines between two municipalities. 46 V. c. 18, s. 532; 50 V. c. 29, s. 34.

Jurisdiction of county councils over roads and bridges.

533. Any county council may assume, make and maintain any township or county boundary line at the expense of the county, or may grant such sum or sums from time to time for the said purposes as they may deem expedient. 46 V. c. 18, s. 533.

Boundary lines may be maintained by county.

Improving and Maintaining County Roads.

534. When a county council assumes, by by-law, any road or bridge within a township as a county road or bridge, the council shall, with as little delay as reasonably may be, and at the expense of the county, cause the road to be planked, gravelled or macadamized, or the bridge to be built in a good and substantial manner; and further the county council shall cause to be built and maintained in like manner, all bridges on any river or stream over 100 feet in width, within the limits of any incorporated village in the county, necessary to connect any main public highway leading through the county. 46 V. c. 18, s. 534; 50 V. c. 29, s. 35.

Roads or bridges assumed by county councils.

Maintenance of certain bridges in villages.

Bridges
between muni-
cipalities.

535.—(1) It shall be the duty of county councils to erect and maintain bridges over rivers forming or crossing boundary lines between two municipalities (other than in the case of a city or separated town) within the county; and in case of a bridge over a river forming or crossing a boundary line between two or more counties or a county, city or separated town, such bridge shall be erected and maintained by the councils of the counties or county, city and separated town respectively; and in case the councils fail to agree as to the respective portions of the expense to be borne by the municipalities interested, it shall be the duty of each to appoint arbitrators as provided by this Act, to determine the proportionate amount to be paid by each, and the award made shall be final.

(2) A road which lies wholly or partly between two municipalities shall be regarded as a boundary line within the meaning of this section, although such road may deviate so that it is in some place or places wholly within one of the municipalities, and a bridge built over a river crossing such road where it deviates as aforesaid shall be held to be a bridge over a river crossing a boundary line within the meaning of this section. 48 V. c. 39, s. 22.

Maintaining Township Roads.

Boundary
lines not
assumed by
county coun-
cils.

536. All township boundary lines not assumed by the county council shall be opened, maintained and improved by the township councils, except where it is necessary to erect or maintain bridges over rivers forming or crossing boundary lines between two municipalities. 46 V. c. 18, s. 536.

Township
boundaries,
being also
county bound-
aries.

537. Township boundary lines forming also the county boundary lines, and not assumed or maintained by the respective counties interested, shall be maintained by the respective townships bordering on the same, except where it is necessary to erect or maintain bridges over rivers forming or crossing boundary lines between two municipalities. 46 V. c. 18, s. 537.

Roads under Joint Jurisdiction.

Joint jurisdic-
tion over cer-
tain roads.

538. In case a road lies wholly or partly between a county, city, town, township or incorporated village, and an adjoining county or counties, city, town, township or incorporated village, the councils of the municipalities between which the road lies shall have joint jurisdiction over the same although the road may so deviate as in some places to be wholly or in part within one or either of them; and the said road shall not include a bridge over a river forming or crossing the boundary line between two municipalities, other than counties. 46 V. c. 18, s. 538.

539. No by-law of the council of any one of such municipalities with respect to such last mentioned road or bridge, shall have any force until a by-law has been passed in similar terms, as nearly as may be, by the other council or councils having joint jurisdiction in the premises. 46 V. c. 18, s. 539.

Both councils must concur in by-laws respecting them.

540. In case the other council or councils, for six months after notice of the by-law, omit to pass a by-law or by-laws in similar terms, the duty and liabilities of each municipality in respect to the road or bridge shall be referred to arbitration under the provisions of this Act. 46 V. c. 18, s. 540.

Arbitration if they do not concur.

Transfer of former Powers of Justices in Sessions to County Councils.

541. All powers, duties and liabilities which at any time before the 1st day of January, 1850, belonged to the magistrates in Quarter Sessions, with respect to any particular road or bridge in a county, and are not conferred or imposed upon any other municipal corporation, shall belong to the council of the county, or in case the road or bridge lies in two or more counties, to the councils of such counties; and the neglect and disobedience of any regulations or directions made by such council or councils shall subject the offenders to the same penalties and other consequences as the neglect or disobedience of the like regulations of the magistrates would have subjected them to. 46 V. c. 18, s. 541.

Certain powers of justices in sessions transferred to county councils.

Roads vested in Her Majesty.

542. No council shall interfere with any public road or bridge vested as a Provincial work in Her Majesty, or in any public department or board, and the Lieutenant-Governor shall by order in Council have the same powers as to such road and bridge as are by this Act conferred on municipal councils with respect to other roads and bridges: but the Lieutenant-Governor may, by proclamation, declare any public road or bridge, under the control of the Commissioner of Public Works, to be no longer under his control, and in that case, after a day named in the proclamation, the road or bridge shall cease to be under the control of the Commissioner, and no tolls shall be thereafter levied thereon by him, and the road or bridge shall thenceforth be controlled and kept in repair by the council of the municipality. 46 V. c. 18, s. 542.

Roads, etc., provincial works vested in Her Majesty, etc., not to be interfered with.

Proclamation by Lieut.-Gov. as to roads, etc., under control of Commissioner of Public Works.

Roads on Dominion Lands.

543. No council shall pass a by-law—

1. For stopping up or altering the direction or alignment of any street, lane or thoroughfare made or laid out by Her Majesty's Ordinance, or the Principal Secretary of State in whom the Ordinance Estates became vested under the Statute

Ordinance roads, lands, etc.,

19 V. c. 45; of the Province of Canada passed in the 19th year of Her Majesty's reign, chapter 45, or the Consolidated Statute of Canada, chapter 24, respecting the Ordnance and Admiralty lands, or by the Dominion of Canada; or

Dominion lands,

2. For opening any such communication through any lands held by the Dominion of Canada; or

Bridges, etc.,

3. Interfering with any bridge, wharf, dock, quay or other work vested in the Dominion of Canada; or

Military lands,

4. Interfering with any land reserved for military purposes, or with the integrity of the public defences,—

Not to be interfered with without consent of Dominion.

without the consent of the Government of the Dominion of Canada; and a by-law for any of the purposes aforesaid shall be void unless it recites such consent. 46 V. c. 18, s. 543.

Roads necessary for Ingress and Egress.

Council not to close road required for ingress, egress, etc.

Proviso.

544.—(1) No council shall close up any public road or highway, whether an original allowance or a road opened by the Quarter Sessions or any municipal council, or otherwise legally established, whereby any person will be excluded from ingress and egress to and from his lands or place of residence over such road, unless the council, in addition to compensation, also provides for the use of such person some other convenient road or way of access to the said lands or residence. 46 V. c. 18, s. 544.

(2) If the compensation offered by the council, to the owner of the lands, or the road provided for the owner in lieu of the original road, as a means of egress and ingress, is not mutually agreed upon between the council and the owner or owners, as the case may be, then in such case, the matters in dispute shall be referred to arbitration, under the provisions of this Act respecting arbitration. 49 V. c. 37, s. 15.

Width of Roads.

Width of roads,

545. No council shall lay out any road or street more than 100 nor less than 66 feet in width, except where an existing road or street is widened, or unless with the permission of the council of the county in which the municipality is situate; but any road, when altered, may be of the same width as formerly, and no highway or street shall be laid out by any owner of land of a less width than 66 feet, without the consent of the council of the municipality. 46 V. c. 18, s. 545.

Notices of By-laws affecting Public Roads.

Conditions precedent to passing by-laws intended to affect public roads.

546. No council shall pass a by-law for stopping up, altering, widening, diverting or selling any original allowance for road, or for establishing opening, stopping up, altering, widening, diverting or selling any other public highway, road, street or lane;

1. Until written or printed notices of the intended by-law have been posted up one month previously in six of the most public places in the immediate neighbourhood of such original allowance for road, street or other highway, road, street or lane ; Notice to be posted up.
2. And published weekly for at least four successive weeks in some newspaper (if there be any) published in the municipality ; or if there be no such newspaper, then in a newspaper published in some neighbouring municipality ; and, in either case, in the county town, if any such there be ; And published in a newspaper.
3. Nor until the council has heard, in person or by counsel or solicitor, any one whose land might be prejudicially affected thereby, and who petitions to be so heard ; Parties prejudicially affected to be heard.
4. And the clerk shall give such notices, at the request of the applicant for the by-law, upon payment of the reasonable expenses attendant on such notices. 46 V. c. 18, s. 546. Clerk to give the notices on payment of expenses.
5. In case the council of a township or an incorporated village, and property owners interested in lands required to be taken possession of, for establishing a public road, mutually agree as to the recompense or price of such lands, the council may accept a deed or deeds for the same, which shall be registered as provided by section 547 of this Act, and in such case the publication of any by-law in the manner required by sub-section 2 shall be dispensed with. 50 V. c. 29, s. 37. Provision where price settled by agreement.

Registration of Road By-laws.

547.—(1) Every by-law passed since the 29th day of March, 1873, or hereafter to be passed by any municipal council under the authority of which any street, road or highway has been, or is, opened upon any private property, shall, before the same becomes effectual in law, be duly registered in the registry office of the registry division in which the land is situate ; and for the purpose of registration a duplicate original of the by-law shall be made out, certified under the hand of the clerk and the seal of the municipality, and shall be registered without any further proof. By-laws under which roads are opened on private property to be registered

(2) Every by-law passed before the said day, and every order and resolution of the Quarter or General Sessions, passed before said day, under the authority of which any street, road or highway has already been opened upon any private property, may, at the election of any party interested, and at the cost and charges of such party or municipality, be also duly registered, upon the production, to the registrar, of a duly certified copy of the by-law under the hand of the clerk of the municipality and the seal of the municipality, or by a duly certified copy of such order or resolution of the Quarter or As to by-laws passed before 29th March. 1873.

General Sessions, given under the hand of the clerk of the peace, as the case may be. 46 V. c. 18, s. 547. *See also* Cap. 114, s. 75.

Disputes respecting Roads—Administration of Oaths.

Power to administer oaths in certain cases.

548. In case of disputes in any municipality concerning roads, allowances for roads, side lines, boundaries or concessions, within the cognizance of and in the course of investigation before a municipal council, the head of the council may administer an oath or affirmation to any party or witness examined upon the matters in dispute. 46 V. c. 18, s. 548.

Mistakes in Opening Road Allowances.

Municipality and officers thereof protected from actions arising from mistakes in opening road allowances.

549.—(1) In case any municipality in whose jurisdiction an original road, or allowance for road is situate, shall open that which they take and believe to be the true site of the same, and in case the municipality, their officers and servants, shall act in good faith, and shall take all reasonable means to inform themselves of the correctness of their line and work, and in case it appears that the road being opened, although not or not altogether upon the true line of the original road, or allowance for road, is nevertheless, from any difficulty in discovering correctly the true line, as near to, or as nearly upon, the true line as under the circumstances could then be ascertained, no action shall be brought by any person against the municipality, their officers or servants, for or in respect of the opening of such road, or allowance for road, or for any other act or matter whatsoever connected with or arising from the same.

Municipality to make compensation.

Proviso.

(2) The municipality shall, however, in any case respecting the opening of an original road, or road allowance, make to any person having title to or interest in the same, reasonable compensation in full of all claims, and as a final settlement of the same: Provided the claims for such compensation shall be made within one year from the time of the laying out or taking possession of such road by the municipality or its officers, or the part thereof in respect of which compensation is claimed, and in the event of the parties not agreeing as to the amount or terms of such compensation, the same shall be ascertained and the payment thereof enforced, under the provisions of this Act relating to arbitrations. 46 V. c. 18, s. 549.

DIVISION II.—POWERS OF COUNTIES, TOWNSHIPS, CITIES,
TOWNS AND INCORPORATED VILLAGES IN RELATION
TO ROADS AND BRIDGES.

General Powers. Sec. 550 (1, 2).

Respecting Tolls. Sec. 550 (3-5).

“ *Timber, Stone, etc., on Road Allowances. Sec. 550 (6).*

“ *Privileges to Road or Bridge Companies. Sec. 550 (7).*

“ *Procuring Materials for Constructing or Repairing Roads. Sec. 550 (8).*

“ *Road Allowances. Secs. 550 (9), 551-553.*

“ *Aid to adjoining Municipalities in Making Roads or Bridges. Sec. 554.*

550. The council of every county, township, city, town and incorporated village may pass by-laws— By-laws may be made for—

General Powers.

1. For opening, making, preserving, improving, repairing, widening, altering, diverting or stopping up roads, streets, squares, alleys, lanes, bridges, or other public communications within the jurisdiction of the council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained; and for preventing and removing any obstruction upon any roads or bridges within its jurisdiction, and also for permitting sub-ways for cattle under any highway; Opening or stopping up roads, etc.

2. For establishing, opening, making, preserving, improving, maintaining, widening, enlarging, altering, diverting or stopping up, within the limits of the municipality, any highway through, over, across, under, along, or upon the railway and lands of any railway company, and for entering upon, breaking up, taking or using any such land in any way necessary or convenient for the said purpose; but subject to the provisions contained in *The Railway Streets and Drains Act*, and provided that the highway is within the jurisdiction of the council; Roads across railway lands. Rev. Stat. c. 199.

Tolls.

3. For raising money by toll on any bridge, road or other work, to defray the expense of making or repairing the same; Raising money by toll.

4. For making regulations as to pits, precipices and deep waters, and other places dangerous to travellers; Making regulations as to dangerous places.

5. For granting to any person, in consideration or part consideration of planking, gravelling or macadamizing a road, or of building a bridge, the tolls fixed by by-law to be levied Granting right to take tolls.

on the work for a period of not more than twenty-one years after the work has been completed, and after such completion has been declared by a by-law of the council authorizing tolls to be collected; and the grantee of the tolls shall, during the period of his right thereto, maintain the road or bridge in repair;

Timber, Stone, etc. on Road allowances.

For preservation of trees, stone, etc.
Rev. Stat. c. 28.

6. For preserving or selling timber, trees, stone, sand or gravel, on any allowance or appropriation for a public road; but this shall be subject to the provisions of *The Act respecting Timber on Public Lands* relative to Government road allowances and the granting of Crown timber licenses;

Granting Privileges to Roads or Bridge Companies.

Granting privileges to road or bridge companies.

7. For regulating the manner of granting to road or bridge companies permission to commence or proceed with roads or bridges within its jurisdiction, and for regulating the manner of ascertaining and declaring the completion of the work, so as to entitle such companies to levy tolls thereon, and for regulating the manner of making the examinations necessary for the proper exercise of these powers by the council; 46 V. c. 18, s. 550 (1-7). See Cap. 159.

Procuring Materials for Constructing or Repairing.

Power to take materials for roads

8. For searching for and taking such timber, gravel, stone, or other material or materials (within the municipality) as may be necessary for keeping in repair any road or highway within the municipality; and, for the purpose aforesaid, with the consent of the council of an adjoining municipality (by resolution expressed), for searching for and taking gravel within the limits of such adjoining municipality; and the right of entry upon such lands, as well as the price or damage to be paid to any person for such timber or materials, shall, if not agreed upon by the parties concerned, be settled by arbitration under the provisions of this Act;

(a) But no such gravel shall be taken or removed from the premises of any person in an adjoining municipality until the price or damage has been agreed upon between the parties, or settled by arbitration.
48 V. c. 39, s. 23.

Selling Road Allowances.

When the council may stop up or sell a road allowance.

9. For selling the original road allowance, to the parties next adjoining whose lands the same is situated, when a public road has been opened in lieu of the original road allowance, and for the site or line of which compensation has been paid, and for selling, in like manner, to the owners of any adjoining

land, any road legally stopped up or altered by the council; and in case such parties respectively refuse to become the purchasers at such price as the council thinks reasonable, then for the sale thereof to any other person for the same or a greater price. 46 V. c. 18, s. 550 (9).

551.—(1) In case any one in possession of a concession road or side line has laid out and opened a road or street in place thereof without receiving compensation therefor, or in case a new or travelled public road has been laid out and opened in lieu of an original allowance for road, and for which no compensation has been paid to the owner of the land appropriated as a public road in place of such original allowance, the owner, if his lands adjoin the concession road, side line, or original allowance, shall be entitled thereto, in lieu of the road so laid out, and the council of the municipality, upon the report in writing of its surveyor, or of a deputy provincial land surveyor, that such new or travelled road is sufficient for the purposes of a public highway, may convey the said original allowance for road, in fee simple, to the person or persons upon whose land the new road runs.

When a road is substituted for an original allowance without compensation to person whose land is taken, such person if he owns land adjoining to be entitled to original road.

(2) When such original road allowance is, in the opinion of the council, useless to the public, and lies between lands owned by different parties, the municipal council may, subject to the conditions aforesaid, sell and convey a part thereof to each of such parties, as may seem just and reasonable; and in case compensation was not paid for the new road, and the person through whose land the same passes does not own the land adjoining the original road allowance, the amount received from the purchaser of the corresponding part of the road allowance when sold shall be paid to the person who at the time of the sale owns the land through which the new road passes. 46 V. c. 18, s. 551.

Compensation to party whose land is taken, who does not own land adjoining original road.

Possession of Unopened Road Allowances.

552. In case a person is in possession of any part of a government allowance for road, laid out adjoining his lot and enclosed by a lawful fence, and which has not been opened for public use by reason of another road being used in lieu thereof, or is in possession of any government allowance for road parallel or near to which a road has been established by law in lieu thereof, such person shall be deemed legally possessed thereof, as against any private person, until a by-law for opening such allowance for road has been passed by the council having jurisdiction over the same. 46 V. c. 18, s. 552.

Original allowances for roads when to be deemed legally possessed till a by-law is passed for opening them.

Notice of By-laws for Opening such Allowances.

553. No such by-law shall be passed until notice in writing has been given to the person in possession, at least eight days before the meeting of the council, that an application will be made for opening such allowance. 46 V. c. 18, s. 553.

Notice of by-law to be given.

Aiding in making Roads and Bridges.

By-laws to aid adjoining municipality to open roads, etc.

554. The council of any municipality may pass by-laws for granting aid to any adjoining municipality in making, opening, maintaining, widening, raising, lowering, or otherwise improving any highway, road, street, bridge, or communication passing from or through an adjoining municipality. 46 V. c. 18, s. 554.

DIVISION III.—POWERS OF TOWNSHIPS, CITIES, TOWNS, AND VILLAGES IN RELATION TO ROADS AND BRIDGES.

Aiding Counties in opening New Roads. Sec. 555 (1).

Joint works with other Municipalities. Sec. 555 (2).

Repair of Township Roads, how enforced. Secs. 556-564.

By-laws may be made for—

555. The council of every township, city, town and incorporated village may pass by-laws—

New Roads.

Aiding counties in making roads and bridges.

1. For granting to the county or united counties in which such municipality lies, aid, by loan or otherwise, towards opening or making any new road or bridge on the bounds of such municipality;

Joint Works with other Municipalities.

Joint works with other municipalities.

2. For entering into and performing any arrangement with any other council in the same county or united counties for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the council. 46 V. c. 18, s. 555.

Repair of Township Roads—how enforced.

Township council failing to perform their duty.

556. Whenever township councils fail to maintain township boundary lines not assumed by the county council, in the same way as other township roads, by mutual agreement as to the share to be borne by each, it shall be competent for one or more of such councils to apply to the county council to enforce joint action on all township councils interested. 46 V. c. 18, s. 556.

Resident ratepayers may petition county council to enforce opening up of road.

557. In cases where all the township councils interested neglect or refuse to open up and repair such lines of road in a manner similar to the other local roads, it shall be competent for a majority of the ratepayers resident on the lots bordering on either or both sides of such line, to petition the county council to enforce the opening up or repair of such lines of road by the township councils interested. 46 V. c. 18, s. 557.

558. A county council receiving such petition, either from township councils or from ratepayers, as in the preceding section mentioned, may consider and act upon the same at the session at which the petition is presented. 46 V. c. 18, s. 558.

Action by county council on petition.

559. The county council may determine upon the amount which each township council interested shall be required to apply for the opening or repairing of such lines of road, or to direct the expenditure of a certain portion of the statute labour, or both, as may seem necessary to make the said lines of road equal to other roads. 46 V. c. 18, s. 559.

Amount, etc., to be furnished by each township.

560. It shall be the duty of the county council to appoint a commissioner or commissioners to execute and enforce their orders or by-laws relative to such roads. If the representatives of any or all of the townships interested intimate to the council or to the commissioner or commissioners so appointed, their intention to execute the work themselves, then the commissioner or commissioners shall delay proceedings for a reasonable time; but if the work is not proceeded with during the favourable season by the township officers, then the commissioners shall undertake and finish it themselves. 46 V. c. 18, s. 560.

Commissioners to enforce order of county council as to such roads.

Proviso.

561. Any sum of money so determined upon by the county council as the portion to be paid by the respective townships, shall be paid by the county treasurer, on the order of the commissioner or commissioners, and the amount retained out of any money in his hands belonging to such township; but if there are not, at any time before the striking of a county rate, any such moneys belonging to such township in the treasurer's hands, an additional rate shall be levied by the county council against such township sufficient to cover such advances. 46 V. c. 18, s. 561.

Sums determined upon to be paid by townships.

562. Whenever the several townships interested in the whole or part of any county boundary line road are unable mutually to agree as to their joint action in opening or maintaining such line road, or portion thereof, one or more of such township councils may apply to the wardens of the bordering counties to determine jointly the amount which each township shall be required to expend, either in money or statute labour, or both, and the mode of expenditure, on such road; the County Judge of the county in which the township first making the application is situate, shall in all cases be the third arbitrator. 46 V. c. 18, s. 562.

When the several townships interested cannot agree.

Wardens to be arbitrators.

County judge also.

563. It shall be the duty of the wardens of the counties interested to meet within twenty-one days from the time of receiving such application for the determination of the matter

Meetings of wardens.

Who to convene, etc.

in dispute. The warden of the county in which the township first making the application is situated, shall be the convener of the meeting; and it shall be his duty to notify the warden of the other county and County Judge of the time and place of meeting, within eight days of the time of his receiving such application. 46 V. c. 18, s. 563.

What the wardens and county judge shall determine, etc.

564. At such meeting the wardens and County Judge, or any two of them, shall determine on the share to be borne by the respective townships, of the amount required on the part or parts to be opened or repaired by each or both, and shall appoint a commissioner or commissioners to superintend such work, and it shall be the duty of the township treasurer to pay the orders of the commissioners to the extent of the sum apportioned to each: and pathmasters controlling the statute labour on the lots adjoining such line, on the portion of such line to be opened or repaired, shall obey the orders of the commissioner or commissioners in performing the statute labour unexpended. 46 V. c. 18, s. 564.

DIVISION IV.—POWERS OF COUNTY AND TOWNSHIP COUNCILS IN RELATION TO ROADS.

Sale or Lease of Minerals on or under Roads.

Sale or lease of mineral rights under roads.

565.—(1) The corporation of any township or county wherever minerals are found, may sell or lease, by public auction or otherwise, the right to take minerals found upon, or under any roads over which the township or county may have jurisdiction, if considered expedient so to do.

No sale or lease till after notice.

(2) No such sale or lease shall take place until after due notice of the intended by-law has been posted up in six of the most public places in the immediate neighbourhood of such road, for at least one month previous to the time fixed for considering the by-law.

Sale or lease not to interfere with public travel.

(3) The deed of conveyance or lease to the purchaser or lessee under the by-law, shall contain a proviso protecting the road for public travel, and preventing any uses of the granted rights interfering with public travel. 46 V. c. 18, s. 567.

DIVISION V.—POWERS OF COUNTY COUNCILS IN RELATION
TO ROADS AND BRIDGES.

- Respecting the closing of Road Allowances. Sec. 566 (1).*
 “ *The opening and altering of Roads. Sec. 566 (2).*
 “ *Trees obstructing highways. Sec. 566 (3).*
 “ *Double tracks in Snow Roads. Sec. 566 (4).*
 “ *Aid to Townships. Sec. 566 (5).*
 “ *Repair of County roads in local Municipalities.*
Sec. 566 (6, 7).

566. The council of every county shall have power to pass By-laws for—
by-laws for the following purposes:

Closing Road Allowances.

1. For stopping up, or stopping up and sale, of any original allowance for roads or parts thereof within the county, which is subject to the sole jurisdiction and control of the council, and not being within the limits of any village, town or city within or adjoining the county; but the by-law for this purpose shall be subject to section 546 of this Act;

Disposing of original allowance for roads in certain cases.

Opening and Altering Roads.

2. For opening, making, preserving, improving, repairing, widening, altering, diverting and stopping up roads, streets, squares, alleys, lanes, bridges or other public communications, running or being within one or more townships, or between two or more townships of the county; or any bridge required to be built or made across any river over 100 feet in width within any incorporated village in the county connecting any public highway leading through the county, and which is in continuation of a county road, or between the county and any adjoining county or city or separated town, or on the bounds of any town or incorporated village, within the boundaries of the county, as the interests of the inhabitants of the county, in the opinion of the council, require to be so opened, made, preserved and improved; and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions herein contained; 46 V. c. 18, s. 565 (1, 2).

Opening, etc., roads, etc., within or between several municipalities.

Trees obstructing Highways.

3. For directing that, on each and either side of a highway, under the jurisdiction of the council, passing through a wood, the trees (unless such as are reserved by the owner for ornament or shelter) shall, for a space not exceeding twenty-five feet

May direct the trees to be cleared on each side of highways.

on each side of the highway, be cut down and removed by the proprietor, within a time appointed by the by-law, or, in his default, by the county surveyor or other officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect; and the council may further pay such expenses out of county funds;

Double Tracks in Snow Roads.

Double tracks
in snow roads.
Rev. Stat. c.
197.

4. For providing for the making and keeping open of double tracks in snow roads, according to the provisions of *The Act respecting Double Tracks in Snow Roads*;

Aiding Townships, etc.

For aiding the
making of
roads and
bridges.

Guaranteeing
debentures of
local municipi-
palities.

5. For granting to any town, township or incorporated village in the county, aid, by loan or otherwise, towards opening or making any new road or bridge in the town, township or village, in cases where the council deems the county at large sufficiently interested in the work to justify such assistance, but not sufficiently interested to justify the council in at once assuming the same as a county work, and also for guaranteeing the debentures of any municipality within the county, as the council may deem expedient;

Repair of County Roads in local Municipalities.

Opening roads
in local municipi-
palities.

6. For requiring that the whole or any part of a county road within any local municipality shall be opened, improved and maintained by such local municipality: 48 V. c. 18, s. 565 (3-6.)

Disposing of
roads.

7. For abandoning or otherwise disposing of the whole or any portion of a toll road owned by a county, whether situated wholly within the county or partly within the county and partly within an adjoining county or counties, and on the passing of such by-law the clerk shall forthwith forward a certified copy thereof to the local municipality or municipalities through or along which any portion of said abandoned road shall run or border upon: Provided, however, that no such by-law shall take effect until assented to by the local municipality or municipalities affected, or until the same shall have been approved by the Lieutenant-Governor in Council. 48 V. c. 39, s. 24; 49 V. c. 37, s. 18.

DIVISION VI.—POWERS OF TOWNSHIP COUNCILS IN RELATION
TO ROADS AND BRIDGES.

Aiding Counties. Sec. 567 (1).

Closing Road Allowances. Sec. 567 (2).

Trees obstructing Highways. Sec. 567 (3).

Footpaths. Sec. 567 (4).

Sale of Roads in Villages and Hamlets. Sec. 568.

567. The council of every township may pass by-laws— By-laws for—

Aiding Counties.

1. For granting to any adjoining county, aid in making, opening, maintaining, widening, raising, lowering or otherwise improving any highway, road, street, bridge or communication lying between the township and any other municipality, and for granting like aid, to the county in which the township lies, in respect of any highway, road, street, bridge, or communication, within the township, assumed by the county as a county work, or agreed to be so assumed on condition of such grant;

Aiding adjoining county in making roads, etc., and granting aid to county for roads assumed by county.

Closing Road Allowances.

2. For the stopping up, leasing or sale of any original allowance for road, or any part thereof, within the municipality, and for fixing and declaring therein, the terms upon which the same is to be leased, sold and conveyed;

Stopping up, leasing or sale of original road allowance.

But no such by-law shall have any force—

Proviso.

(a) Unless passed in accordance with section 546 of this Act, nor

(b) Until confirmed by a by-law of the council of the county in which the township is situate, at an ordinary session of the county council, held not sooner than three months nor later than one year next after the passing thereof;

Trees obstructing Highways.

3. For directing that, on each or either side of a highway, under the jurisdiction of the council, passing through a wood, the trees (unless such as are reserved by the owner for ornament or shelter) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the by-law, or, on his default, by the overseer of highways, or other officer in whose

Ordering trees to be cut down on each side of a road.

division the land lies; and, in the latter case, for authorizing the trees to be used by the overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect; and the council may grant, out of township funds, any money that may be necessary to pay for cutting down and removing such trees;

Footpaths.

Footpaths.

4. For setting apart so much of any highway as the council may deem necessary for the purposes of a footpath, and for imposing penalties on persons travelling thereon on horseback or in vehicles. 46 V. c. 18, s. 566.

Sale of Roads in Villages or Hamlets.

When roads in police villages and certain hamlets may be stopped up, sold, etc., by township council.

568.—(1) In case the trustees of any police village, or fifteen of the inhabitant householders of any other unincorporated village or hamlet consisting of not less than twenty dwelling houses standing within an area of 200 acres, petition the council of the township in which the village or hamlet is situate, and in case the petition of such unincorporated village or hamlet, not being a police village, is accompanied by a certificate from the registrar of the registry division within which the township lies, that a plan of the village or hamlet has been duly deposited in his office according to the registry laws, the council may pass a by-law to stop up, sell and convey, or otherwise deal with any original allowance for road lying within the limits of the village or hamlet, as the same shall be laid down on the plan, but subject to all the restrictions contained in this Act with reference to the sale of original allowances.

When village is partly in each of two townships.

(2) The preceding sub-section shall apply to a village or hamlet situate in two townships, whether such townships are in the same or different counties, and in such case the council of each of the townships shall have the power thereby conferred, as to any original allowance for road lying within that part of the village or hamlet which, according to the registered plan, is situate within such township. 46 V. c. 18, ss. 568, 569.

TITLE III.—POWERS OF MUNICIPAL COUNCILS AS TO DRAINAGE AND OTHER IMPROVEMENTS PAID FOR BY LOCAL RATE.

DIV. I.—TOWNSHIPS, CITIES, TOWNS AND VILLAGES.

DIV. II.—TOWNSHIPS AND VILLAGES.

DIV. III.—COUNTIES.

DIVISION I.—LOCAL IMPROVEMENTS IN TOWNSHIPS, CITIES, TOWNS AND VILLAGES.

Local drainage by-laws, and fund for. Secs. 569, 570.

Complaints respecting assessments, how tried. Sec. 569 (10-15).

Quashing by-laws, limitations respecting. Secs. 571-574.

Extension of works to other Municipalities. Sec. 575.

Mode of apportioning cost. Secs. 576-582.

Who to keep in repair. Secs. 583-590.

Damage done by works. Secs. 591, 592.

Drainage by private persons. Sec. 593.

Earth, etc., may be spread on road. Sec. 594.

Part of cost payable by Municipality. Sec. 595.

Construction of ditch on town line between two Municipalities. Secs. 596, 597.

Construction of works affecting several Municipalities in same County. Secs. 598, 599.

Construction of works affecting several Municipalities in different Counties—Procedure. Secs. 600-611.

Cost of local improvements. Secs. 612-628.

Sweeping, watering and lighting streets. Sec. 629.

Drainage Works.

569. In case the majority in number of the persons, as shewn by the last revised assessment roll, to be the owners (whether resident or non-resident) of the property to be benefited in any part of any township, city, town or incorporated village, petition the council for the deepening or straightening of any stream, creek, or water-course, or for draining of the property (describing it), or for the removal of any obstruction which prevents the free flow of the waters of any stream, creek or water-course, as aforesaid, or for the lowering of the waters of any lake or pond, for the purpose of reclaiming flooded land or more easily draining any lands, the council may procure an engineer or provincial land surveyor to make an examination of the stream, creek or water-course proposed to be deepened or straightened, or from which it is proposed to remove obstructions, or of the lake or pond, the waters of which it is proposed to lower, or of the locality proposed to be drained, and may procure plans and estimates to be made of the work by such engineer or surveyor, and an assessment to be made by such

Municipal councils may pass by-laws for deepening streams, etc., drainage, etc.

Examination by engineer.

Plans and estimates.

engineer or surveyor of the real property to be benefited by such work, stating as nearly as may be, in the opinion of such engineer or surveyor, the proportion of benefit to be derived therefrom by every road and lot, or portion of lot; and if the council is of opinion that the proposed work, or a portion thereof, would be desirable, the council may pass by-laws:

For deepening streams, etc.

1. For providing for the proposed work, or a portion thereof being done, as the case may be. 46 V. c. 18, s. 570 (1).

For borrowing requisite funds, etc.

2. For borrowing, on the credit of the municipality, the funds necessary for the work, although the same extends beyond the limits of the municipality (subject in that case to be reimbursed as hereinafter mentioned), and for issuing the debentures of the municipality to the requisite amount, including the costs of arbitration, if any, in sums of not less than \$100 each, and payable within twenty years from date, with interest at a rate of not less than four per centum per annum;

Payment of interest on debentures how made.

(a) Any council issuing debentures under the provisions of this section, may include the interest on the debentures in the amount payable, in lieu of the interest being payable annually in respect of each debenture, and any by-law authorizing the issue of debentures for a certain amount and interest, shall be taken to authorize the issue of debentures, in accordance with this sub-section, to the same amount with interest added, if the council, by subsequent resolution, direct the treasurer to issue debentures in accordance with this section, as aforesaid; 46 V. c. 18, s. 570 (2); 49 V. c. 37, s. 20; 50 V. c. 6, s. 1.

Levying rate or payment.

3. For assessing and levying in the same manner as taxes are levied, upon the real property to be benefited by the work, a special rate sufficient for the payment of the principal and interest of the debentures, and for so assessing and levying the same as other taxes are levied, by an assessment and rate on the real property so benefited (including roads held by joint stock companies or private individuals), in proportion, as nearly as may be, to the benefit derived by each lot or portion of lot and road in the locality;

What cost to be deemed cost of works.

(a) The cost of any arbitration held in connection with the construction of any works under this section, the cost of the publication of by-laws, and all other expenses incidental to the construction of the works and the passing of the by-laws shall be deemed part of the cost of such works, and included in the amount to be raised by local rate;

Proviso.

(b) Any person whose property has been assessed for such work may pay the amount of such assessment, less the interest, at any time before the debentures are issued, in which case the amount of debentures shall be proportionably reduced; and

(c) Any agreement on the part of any tenant to pay the rates or taxes of the demised property shall not apply to or include the charges or assessments for any works under this section, unless such agreement in express terms mentions or refers to such charges or assessments, and as payable in respect of drainage works; but in cases of contracts of purchase or of leases giving the lessee a right of purchase, the said charges or assessments shall be added to the price, and shall be paid (as the case may be) by the purchaser, or by the lessee in case he exercises such right of purchase;

Proviso.

4. For regulating the times and manner in which the assessment shall be paid;

For providing how assessment be paid.

5. For determining what real property will be benefited by the works, and the proportion in which the assessment should be made on the various portions of lands so benefited, and subject in every case of complaint by the owner or person interested in any property assessed, (whether of overcharge, or undercharge of any other property assessed, or that property which should be assessed has been wrongfully omitted to be assessed,) to proceedings for trial of such complaint and appeal therefrom, in like manner, as nearly as may be, as on proceedings for the trial of complaints to the Court of Revision under *The Assessment Act*;

For ascertaining the property liable to the rate.

Rev. Stat. c. 193, ss. 64, 65.

6. The engineer or surveyor in assessing the real property to be benefited by any works to be executed under this section, need not confine his assessment to the part of a lot actually drained, but, in order that the portion to be rated may be conveniently ascertained, may make such assessment on the whole lot, or on the half, quarter, or other described part of the lot, if the person owning the part actually drained owns the whole lot, or owns such half, quarter, or other described part of the lot;

Mode of assessing property.

7. The proportion of benefit to be derived from any works, by different parcels of land or roads may be shewn by the engineer or surveyor by placing sums of money opposite such parcels and roads, and it shall not be deemed to have been necessary to state the fraction of the cost to be borne by each parcel or road;

How proportion of benefit may be shewn.

8. The council shall have the like power, and the provisions of this section shall apply in cases where the work can be effectually accomplished only by embanking, pumping or other mechanical operations, but in such cases the council shall not proceed except upon the petition of two-thirds of the owners above mentioned in this section; 46 V. c. 18, s. 570 (2, part, 3-8).

Petition for draining lands by embanking, etc.

9. In cases provided for in the next preceding sub-section, the council may pass by-laws for assessing and defraying the

Injury to low lying land.

Section 597.
only to apply
during the
will of the
Council.

annual cost of maintaining the necessary works upon the lands and roads to be benefited thereby, according to the provisions of this Act; and may do all things necessary, and pass all requisite and proper by-laws, and enter into all proper contracts for maintaining and giving full effect to said works; and all the provisions of this and the following sections to section 632 inclusive, shall be applicable, so far as possible to the draining of lands under sub-section 8 of this section; except that the council of the municipality may, on the petition of two-thirds of the owners appearing by the last revised assessment roll to be assessed for work mentioned in said sub-section, pass a by-law relieving the municipality from all liability under the provisions of section 586; and after such last mentioned by-law shall have been passed, the provisions of said section 586 shall not apply to any of the works mentioned in said sub-section and set forth and designated in said last mentioned by-law; 46 V. c. 18, s. 570 (9); 49 V. c. 37, s. 21.

Court of
Revision to
have primary
jurisdiction.

10. Trial of such complaints shall be had in the first instance by and before the Court of Revision of the municipality in which the lands or roads lie, which Court the council shall, from time to time as the occasion may require, hold on some day not earlier than twenty nor later than thirty days from the day on which the by-law was first published, notice of which shall be published with the by-law during the first three weeks of its publication; and all notices of appeal shall be served upon the clerk of the municipality at least eight days prior to such Court of Revision; but the Court of Revision may though such notice be not given permit the appeal to be heard on such conditions as to giving notice to all persons interested and otherwise as may seem just; 46 V. c. 18, s. 570 (10); 50 V. c. 29, s. 38.

Power of.
Rev. Stat. c.
193, ss. 55-63.

11. Such Court shall be constituted in the same manner and have the same power as Courts of Revision under *The Assessment Act*;

Transmission
of assessment
roll.

12. In case of any such complaint, the clerk with whom the roll is deposited shall transmit to the Court of Revision a certified copy of so much of the said roll as relates to such municipality;

Appeal to
county judge.

13. The appeal from the Court of Revision shall be to the Judge, or junior or acting Judge, of the County Court of the county within which such municipality is situate;

Powers of
judge on ap-
peal.

14. In case of appeal to the Judge, junior or acting Judge of the County Court, he shall have the same powers and duties and the clerk of the municipality shall have the same powers and duties, as nearly as may be, as they have respectively upon appeals from the Court of Revision under *The Assessment Act*;

Rev. Stat. c.
193, ss. 68-74.

15. In case, on any such complaint or appeal, the assessment is varied in respect of the property which is the subject of the complaint or appeal, the Court or Judge, as the case may be, shall vary *pro rata* the assessment of the said property, and of the other lands and roads benefited as aforesaid, without further notice to the persons interested therein, so that the aggregate amount assessed shall be the same as if there had been no appeal; and the Judge, or in case there is no appeal to the Judge, the Court of Revision, shall return the roll to the municipal clerk from whom it was received, and the assessors shall prepare and attest a roll in accordance with their original assessment as altered by such revision;

Variations in assessment on complaint or appeal.

16. The provisions of this section shall be deemed to extend to the re-execution or completion of any works which have been executed or have been partly or insufficiently executed under any provision of any Act of this Legislature, or of the Parliament of the Province of Canada, and to any works which it may be deemed expedient to dig, construct, or make for the purposes aforesaid, or any of them, provided that the stream, lake, or pond is, for the purposes hereof, within the jurisdiction of this Legislature; 46 V. c. 18, s. 570 (11-16).

Works to which this section applies.

17. In order the better to maintain and operate works constructed under the provisions of sub-section 8 of this section, the council may pass by-laws appointing one or more commissioners from among those whose lands are assessed for the construction of such works, and the commissioners so appointed shall have full power to enter into all such necessary and proper contracts for the purchase of fuel, repairs of buildings and machinery, and may do all other things necessary to facilitate the successful operation of such works as may be set forth in the by-law appointing such commissioners: 48 V. c. 39, s. 25.

Appointment of commissioners to carry out drainage works.

18. Where any obstruction within the meaning of the provisions of this section, is wholly situate or existing beyond the limits of the municipality, the same shall for all purposes, and with respect to every provision of this Act, be deemed and taken to be an obstruction, situate and existing partly within and partly without the limits of the municipality, and as if the proposed work or operations in connection therewith, or with the removal thereof, were to be done and performed in part within the limits of the municipality, and in part to be continued and extended beyond such limits, and all the provisions of this Act, shall be held and deemed to apply and operate accordingly;

Provision where obstruction is situate outside of municipality.

19. Where such obstruction is occasioned by or is a dam or other artificial structure, the council shall be deemed to have full power to acquire, with the consent of the owner thereof, and upon payment of such purchase money as may be mutually agreed upon, the right and title to remove the same, wholly or

Removal of artificial structures.

in part; and any amount so paid or payable as purchase money, shall be deemed part of the cost of the works under this section in connection with the removal of such obstruction and shall be dealt with and provided for accordingly;

Application
of sub-ss. 18
and 19.

20. The two preceding sub-sections are to be taken as applying only to cases where the obstruction is actually situated or existing in a municipality next adjoining to the municipality mentioned in such sub-sections; 49 V. c. 37, s. 22.

Removal of
obstructions
in rivers.

21. To remove doubts it is hereby declared and enacted that where the obstruction referred to in this section is occasioned by, or is a dam or other artificial structure, and is situated wholly within the municipality, the council shall be deemed to have full power to acquire, with the consent of the owner thereof, and upon payment of such purchase money as may be mutually agreed upon, the right to remove the same, wholly or in part; and any amount so paid or payable as purchase money, shall be deemed part of the costs of the works under this section in connection with the removal of such obstruction, and shall be dealt with and provided for accordingly, and where the lands benefited are situated partly in the said municipality and partly in the next adjoining municipality, the special rate sufficient for the payment of the principal and interest of the debentures and the assessment and levying of the same shall be made, levied, and paid over by the said municipality, and the said next adjoining municipality, in such proportions as the said engineer or surveyor may determine and charge upon the lands aforesaid, and in like manner and to the same extent, as nearly as may be, as is provided for by this Act where the lands benefited are situated wholly within the municipality. 50 V. c. 29, s. 54.

Form of by-
law.

570.—(1) The by-law shall, *mutatis mutandis*, be in the form or to the effect following:

A BY-LAW to provide for draining parts of (or, for the deepening of in, or as the case may be) the Township of , and for borrowing, on the credit of the Municipality, the sum of for completing the same.

Provisionally adopted the day of , A. D.

Whereas a majority in number of the owners, as shewn by the last revised assessment roll, of the property hereinafter set forth to be benefited by the drainage (or deepening, or as the case may be), have petitioned the Council of the said Township of , praying that (here set out the purport of the petition, describing generally the property to be benefited.)

And whereas, thereupon the said Council procured an examination to be made by , being a person competent for such purpose, of the said locality proposed to be drained (or the said stream, creek, or water-course proposed to be deepened, or as the case may be), and has also procured plans and estimates of the work to be made by the said and an assessment to be made by him of the real property to be benefited by such drainage (or deepening, or as the case may be), stating, as nearly as he can, the proportion of benefit which, in his opinion, will be derived in

consequence of such drainage (or deepening, or as the case may be), by every road and lot, or portion of lot, the said assessment so made, being the assessment hereinafter by this by-law enacted to be assessed and levied upon the lots and parts of lots hereinafter in that behalf specially set forth and described, and the report of the said _____ in respect thereof, and of the said drainage (or deepening, or as the case may be), being as follows: (*here set out the report of the Engineer or Surveyor employed.*)

And whereas, the said Council are of opinion that the drainage of the locality described (or the deepening of such stream, creek or water-course, or as the case may be) is desirable:

Be it therefore enacted by the said Municipal Council of the said Township of _____, pursuant to the provisions of *The Municipal Act*.

1st. That the said report, plans and estimates be adopted, and the said drain (or deepening, or as the case may be) and the works connected therewith be made and constructed in accordance therewith.

2nd. That the Reeve of the said Township may borrow on the credit of the Corporation of the said Township of _____ the sum of _____, being the funds necessary for the work, and may issue debentures of the Corporation to that amount, in sums of not less than \$100 each, and payable within _____ years from the date thereof, with interest at the rate of _____ per centum per annum, that is to say, in (*insert the manner of payment, whether in annual payments or otherwise*), such debentures to be payable at _____, and to have attached to them coupons for the payment of interest.

3rd. That for the purpose of paying the sum of \$475, being the amount charged against the said lands so to be benefited as aforesaid, other than lands (or roads, or lands and roads) belonging to the Municipality, and to cover interest thereon for (*ten*) years, at the rate of (*five*) per cent. per annum, the following special rates, over and above all other rates, shall be assessed and levied (in the same manner and at the same time as taxes are levied) upon the undermentioned lots and parts of lots; and the amount of the said special rates and interest assessed as aforesaid against each lot or part of lot respectively shall be divided into _____ equal parts, and one such part shall be assessed and levied as aforesaid, in each year, for _____ years after the final passing of this by-law, during which the said debentures have to run.

| Concession. | Lot or Part of Lot. | Acres. | Value of Improvement. | To cover Interest for (10) years at (5) per cent. | Total Special Rate. | Annual Assessment during each year for (10) years. |
|---|--|--------|-----------------------|---|---------------------|--|
| | | | \$ cts. | | | |
| 10 | 5 | 200 | 75 00 | | | |
| " | S. $\frac{1}{2}$ 6 | 100 | 50 00 | | | |
| " | N. $\frac{1}{4}$ 6 | 50 | 30 00 | | | |
| " | S. W. $\frac{1}{2}$ 8 | 100 | 80 00 | | | |
| " | 9 | 200 | 150 00 | | | |
| " | S. $\frac{1}{2}$ and N. $\frac{1}{4}$ 10 | 150 | 90 00 | | | |
| | | | 475 00 | | | |
| Chargeable to Municipality for roads (or lands, or roads and lands)..... | | | 120 00 | | | |
| | | | 595 00 | | | |

4th. For the purpose of paying the sum of \$120, being the total amount assessed as aforesaid against the said roads (*or* lands, *or* roads and lands) of the said Municipality, and to cover interest thereon for (*ten*) years at the rate of (*five*) per cent. per annum, a special rate of _____ in the dollar shall, over and above all other rates, be levied (in the same manner and at the same time as taxes are levied) upon the whole ratable property in the said Township of _____ in each year for the period of _____ years, after the date of the final passing of this by-law, during which the said debentures have to run.

Amendment
of by-law.

(2) In the event of the assessment being altered by the Court of Revision or Judge, the by-law shall, before being finally passed, be amended so as to correspond with such alteration by the Court of Revision or Judge (as the case may be). 46 V. c. 18, s. 571; 49 V. c. 37, s. 24,

Provision
where by-law
passed before
appeal deter-
mined.

(3) In case the council shall finally pass the by-law before the time for appealing to the Judge has expired, or while an appeal is pending before him, the Judge shall, notwithstanding such by-law has been passed, proceed and determine the appeal; and if he varies the assessment, the council shall by an amending by-law alter the by-law in accordance with the variation in the assessment made by the Judge. 49 V. c. 37, s. 23.

Publication of
drainage by-
laws.

571.—(1) Before the final passing of the by-law it shall be published, once, or oftener, in every week for four weeks in such newspaper published either within the municipality or in the county town, or in a public newspaper published in an adjoining local municipality, as the council may designate by resolution, together with a notice that any one intending to apply to have the by-law or any part thereof quashed, must, not later than ten days after the final passing thereof, serve a notice in writing upon the reeve or other head officer, and upon the clerk of the municipality, of his intention to make application for that purpose to the High Court, at Toronto, during the six weeks next ensuing the final passing of the by-law. 46 V. c. 18, s. 572 (1); 49 V. c. 37, s. 25.

By-law maybe
served on prop-
erty owners,
instead of pub-
lished.

(2) The council may, at their option, instead of such publication in a newspaper, direct by resolution that a copy of the by-law and notice, written or printed, or partly written and partly printed, be served upon each of the several owners, their lessees or occupants, or upon the agent or agents of such owners, or be left at their places of residence with some grown up member of the family, or where the land is unoccupied and the owner or owners, or their agent or agents, do not reside within the municipality, may cause to be sent by registered letter to the last known address of such owner or owners, a copy of the by-law and notice, and the by-law shall not be finally passed until after the expiration of three weeks from the last of such services, and the clerk shall keep on file in his office a statutory declaration or declarations by the party or parties making the service or services, and the manner in which the same were effected. 46 V. c. 18, s. 572 (2). See sec. 622.

572.—(1) In case no notice of the intention to make application to quash a by-law is served within the time limited for that purpose in the preceding section, or if the notice is served, then, in case the application is not made or is unsuccessful the by-law shall, notwithstanding any want of substance or form, either in the by-law itself or in the time and manner of passing the same, be a valid by-law.

If no application made in time specified, by-law to be valid, notwithstanding defects.

(2) Where the application is made, and is successful in part, so much of the by-law as is not quashed upon the application shall be valid, notwithstanding any want of substance or form aforesaid. 46 V. c. 18, s. 573.

573.—(1) In case a by-law already passed, or which may be hereafter passed by the council of any municipality, for the construction of drainage works by assessment upon the real property to be benefited thereby, and which has been acted upon by the construction of such works in whole or in part, does not provide sufficient means, or provides more than sufficient means for the completion of the works, or for the redemption of the debentures authorized to be issued thereunder as the same become payable, the said council may, from time to time, amend the by-law in order fully to carry out the intention thereof, and of the petition on which the same was founded, and to refund the surplus (if any) to the then owners of the land *pro rata* according to the original assessment. 46 V. c. 18, s. 574 (1); 49 V. c. 37, s. 26.

Power to amend by-law when no sufficient means provided for completion of the work.

(2) Where a by-law which has been heretofore passed, or which may be hereafter passed under the provisions of the preceding sub-section, has been or shall hereafter be published in the manner required by section 571 of this Act, or in case of a city, town or incorporated village, has been or shall be notified in the manner required by section 622, section 572 shall apply to such by-law, and any by-law passed under the said preceding sub-section need not be published unless the council sees fit; and the provisions of *The Municipal Drainage Aid Act* shall apply to any debentures issued under the authority of the said sub-section which have heretofore been or shall hereafter be purchased by direction of the Lieutenant-Governor in Council. 46 V. c. 18, s. 574 (2).

Provisions respecting by-laws passed under the preceding sub-section.

Rev. Stat. c. 37.

574. No debenture issued or to be issued under any by-law aforesaid shall be held invalid on account of the same not being expressed in strict accordance with such by-law, provided that the debentures are for sums not in the whole exceeding the amount authorized by the by-law. 46 V. c. 18, s. 575.

When debentures not invalid though not in accordance with by-law.

575. Where it is necessary to continue the works aforesaid beyond the limits of any municipality, the engineer or surveyor employed by the council of such municipality may continue the survey and levels into the adjoining municipality,

When work may be extended beyond limits of municipality.

until he finds fall enough to carry the water beyond the limits of the municipality in which the work was commenced, and until he obtains a sufficient outlet for the water, and in every such case he may charge the lands and roads to the same extent and in the same manner as is provided by the next succeeding section. 46 V. c. 18, s. 576 ; 49 V. c. 37, s. 27.

When lands, etc., in adjoining municipality may be charged though works not carried in to such municipality.

576. Where the works do not extend beyond the limits of the municipality in which they are commenced, but, in the opinion of the engineer or surveyor aforesaid, benefit lands in an adjoining municipality, or greatly improve any road lying within any municipality or between two or more municipalities, then the engineer or surveyor aforesaid shall charge the lands to be so benefited, and the corporation, person or company whose road or roads are improved, with such proportion of the costs of the works as he may deem just ; and the amount so charged for roads, or agreed upon by the arbitrators, shall be paid out of the general funds of such municipality or company. 46 V. c. 18, s. 577.

Report as to which municipality to bear expense.

577. The engineer or surveyor aforesaid shall determine and report to the council by which he was employed, whether the works shall be constructed and maintained solely at the expense of such municipality, or whether they shall be constructed and maintained at the expense of both municipalities, and in what proportion. 46 V. c. 18, s. 578.

Plans, etc.

578. The engineer or surveyor aforesaid, where necessary shall make plans and specifications of the works to be constructed, and charge the lands to be benefited by the work as provided herein. 46 V. c. 18, s. 579.

Council of municipality wherein work is to be begun to notify municipality to be benefited.

579. The council of the municipality in which the deepening or drainage is to be commenced, shall serve the head of the council of the municipality into which the same is to be continued, or whose lands or roads are to be benefited without the deepening or drainage being continued, with a copy of the report, plans, specifications, assessment and estimates of the engineer or surveyor aforesaid ; and unless the same is appealed from as hereinafter provided it shall be binding on the council of such municipality. 46 V. c. 18, s. 580.

Municipality so notified required to raise necessary amounts.

580. The council of such last mentioned municipality shall, within four months from the delivery to the head of the corporation of the report of the engineer or surveyor, as provided in the next preceding section, pass a by-law or by-laws to raise such sum as may be named in the report, or in case of an appeal, for such sum as may be determined by the arbitrators, in the same manner and with such other provisions as would have been proper if a majority of the owners of the lands to be taxed had petitioned as provided in section 569 of this Act. 46 V. c. 18, s. 581.

581.—(1) The council of the municipality into which the work is to be continued, or whose lands, road or roads are to be benefited without the work being carried within its limits may, within twenty days from the day in which the report was served on the head of the municipality, appeal therefrom, in which case they shall serve the head of the corporation from which they received the report, with a written notice of appeal: such notice shall state the ground of appeal, the name of an engineer or other person as their arbitrator, and shall call upon such corporation to appoint an arbitrator in the matter on their behalf, within ten days after the service of such notice.

But such municipality may appeal.

Proceedings thereon.

(2) When it is proposed to continue the deepening or drainage from the municipality in which the same is to be commenced into another municipality, and when through misapprehension or mistake the council served with the report, plans and specifications of the engineer or surveyor, omits to appeal therefrom within twenty days, the Judge of the County Court of the county in which the municipality so served as aforesaid is situated may, upon application at any time before the drainage works have been already commenced or the contract let for the same, or the debentures have been actually issued under the said by-law, after the said twenty days have elapsed, by order, grant permission to appeal, upon such terms and conditions, as to costs and otherwise, as he deems just and reasonable, within a time to be limited by him in the order; or the other council or councils interested may, by resolution waive the lapse of the said time, and in either of such cases the proceedings for appeal shall be the same as would have been required if the appeal had been gone on with in the proper time.

(3) The summons to shew cause why an appeal should not be allowed shall not be returnable in less than seven days from the service thereof, and the council or councils shall have power to amend any by-law or by-laws which may have been passed as shall become necessary or proper, by reason of the appeal or the result thereof. 46 V. c. 18, s. 582 (1-3.)

582. The arbitrators shall be appointed by the parties in manner hereinbefore provided by the sections of this Act with reference to arbitration, and shall proceed as therein directed; but in no case shall the engineer or surveyor employed to make surveys, plans and specifications, nor any ratepayer or person interested in the construction of any such works be appointed or act as arbitrator. 46 V. c. 18, s. 583.

Arbitrators shall be appointed, etc.

583.—(1) After such work is fully made and completed, it shall be the duty of each municipality, in the proportion determined by the engineer or arbitrators (as the case may be), or until otherwise determined by the engineer or arbitrators, under the same formalities, as nearly as may be, as provided in

Each municipality to contribute to maintaining the work in proportions fixed by engineer.

the preceding sections, to preserve, maintain and keep in repair the same within its own limits, either at the expense of the municipality, or parties more immediately interested, or at the joint expense of such parties and the municipality, as to the council upon the report of the engineer or surveyor may seem just. 46 V. c. 18, s. 584 (1).

Compelling municipalities to make necessary drainage repairs.

(2) Any such municipality neglecting or refusing so to do, upon reasonable notice in writing being given by any person interested therein, and who is injuriously affected by such neglect or refusal, may be compellable by *mandamus*, to be issued by any Court of competent jurisdiction, to make from time to time the necessary repairs to preserve and maintain the same; and shall be liable to pecuniary damage to any person who, or whose property is injuriously affected by reason of such neglect or refusal. 47 V. c. 32, s. 18.

Repair and maintenance, what deemed.

(3) The deepening, extending or widening of a drain in order to enable it to carry off the water it was originally designed to carry off, shall be deemed to be a work of preservation, maintenance, or keeping in repair within the meaning of this section; provided the cost of such extension does not exceed the sum of \$200, and in every case when it exceeds that amount, proceedings shall be taken under the provisions of section 585. 48 V. c. 39, s. 26 (2); 50 V. c. 29, s. 47.

Duty of minor municipalities as to repairing works.

584. After any works undertaken under section 598 are fully made and completed, it shall be the duty of each minor municipality to preserve, maintain and keep in repair the same within its own limits, in accordance with the requirements of the preceding section, which shall be applicable thereto. 46 V. c. 18, s. 585.

Power to change course of drain, make new outlet, etc.
Rev. Stat. caps. 36, 37.

585. In any case wherein the better to maintain any drain constructed under the provisions of this Act, or of *The Ontario Drainage Act* and amendments thereto, or of *The Ontario Drainage Act of 1873*, or of any other Act respecting drainage works and local assessment therefor, or of *The Municipal Drainage Aid Act* or to prevent damage to adjacent lands, it shall be deemed expedient to change the course of such drain, or make a new outlet, or otherwise improve, extend or alter the drain, the council of the municipality, or of any of the municipalities whose duty it is to preserve and maintain the said drain, may, on the report of an engineer appointed by them to examine and report on such drain, undertake and complete the alterations and improvements or extension specified in the report under the provisions of sections 569 to 582 inclusive, without the petition required by section 569. 46 V. c. 18, s. 586; 47 V. c. 32, s. 19; 48 V. c. 39, s. 27; 49 V. c. 37, s. 28; 50 V. c. 29, s. 39.

586.—(1) In any case wherein after such work is fully made and completed, the same has not been continued into any other municipality than that in which the same was commenced, or wherein the lands or roads of any such other municipality are not benefited by such work, it shall be the duty of the municipality making such work to preserve, maintain and keep in repair the same at the expense of the lots, parts of lots and roads, as the case may be, as agreed upon and shewn in the by-law when finally passed.

Works not extended beyond municipality commencing same, etc., or which do not benefit any other municipality, to be maintained by municipality commencing same.

(2) In any case where similar work has been constructed out of the general funds of the municipality, the council may, without petition, on the report of an engineer or surveyor, pass a by-law for preserving, maintaining and keeping in repair the same at the expense of the lots, parts of lots and roads, as the case may be, benefited by such work, and may assess such lots, parts of lots and roads so benefited, for the expense thereof, in the same manner, by the same proceedings, and subject to the same right of appeal as is provided with regard to works made and completed under the provisions of this Act. 46 V. c. 18, s. 587 (1, 2); 50 V. c. 29, s. 40.

When work has been paid for out of funds of municipality repair may be charged on property benefited.

(3) The council may, from time to time, change such assessment on the report of an engineer or surveyor appointed by them to examine and report on such work and repairs, subject to the like rights of appeal as a person charged would have in the case of an original assessment; and the said council shall appoint a Court of Revision to consider such appeals in the manner heretofore provided. 50 V. c. 29, s. 41, *part*.

Assessment may be changed.

(4) The deepening, extending, or widening of a drain in order to enable it to carry off the water it was originally designed to carry off, shall be deemed to be a work of preservation, maintenance, or keeping in repair within the meaning of this section; provided the cost of such extension does not exceed the sum of \$200, and in every case where it exceeds that amount, proceedings shall be taken under the provisions of section 585. 48 V. c. 39, s. 26 (2); 50 V. c. 29, s. 47.

Repair and maintenance, what deemed.

(5) In any of the cases referred to in this and the preceding sections, any moneys that have been or may hereafter be advanced by the council of any municipality out of its general funds in anticipation of the levies to be made for the purposes of the said sections, shall be recouped to the municipality so soon as the moneys derived from the assessment shall have been made. 50 V. c. 29, s. 41, *part*.

Repayment of advances.

587. The provisions of sections 583, 586 and 589 of this Act shall extend to drains constructed under the provisions of *The Ontario Drainage Act*, and amendments thereto, or of *The Ontario Drainage Act, 1873*, or of *The Municipal Drainage Aid Act*, the word "assessors" being substituted as to such drains for the word "engineer" in the third line of section 583 48 V. c. 39, s. 26 (1).

Application of ss. 583, 586 and 589.
Rev. Stat. Chap. 36, 37.

Drains to be kept free from obstructions.
Rev. Stat. c. 36.

588.—(1) In the event of any ditch, drain, creek or water-course that has been constructed or opened up under the provisions of *The Ontario Drainage Act*, or any of the amendments thereto, or under the provisions of any Act respecting drainage to be paid by local rate, becoming obstructed, so that the free flow of the water is impeded thereby, if the aforementioned obstructions have been wilfully or through negligence placed in such ditch, drain, creek, or water-course, by any party or parties through whose land, or between whose lands, such ditch, drain, creek, or water-course is situate, the party or parties causing the same shall, upon notification in writing by the council of the municipality, or an officer appointed by the council for the inspection or care of drains, remove such obstructions, and if not so removed within the time specified, the council shall, without further delay, have the same removed at the cost of the said party or parties. 46 V. c. 18, s. 588 (1); 49 V. c. 37, s. 29, *part*.

Rev. Stat. c. 220.

Penalty for obstructing drain.

(2) If such cost is not paid by the party or parties to the person performing the same when the work is completed, the council shall pay the amount to the party performing the work; and the clerk of the municipality shall place such amount upon the collector's roll against the party or parties, as the case may be, with ten per cent. added thereto, and the same shall be collected like other taxes, subject, however, to an appeal by the said party or parties, in respect of the cost of the work, to the Judge of the County Court of the county in which the lands are situate, in the same manner as is provided by section 11 of *The Ditches and Watercourses Act*. 46 V. c. 18, s. 588 (2).

(3) Any person or persons who shall wilfully and intentionally obstruct, fill up or injure, any drains constructed under the provisions of any of said Acts, or wilfully or intentionally cut, destroy or injure any embankment or other drainage work connected therewith, shall upon the complaint of the council of the municipality, liable to keep such drain, embankment or work in repair, and upon conviction thereof before a Justice of the Peace, be liable to a fine of not less than \$1 nor more than \$50. 49 V. c. 37, s. 29 *part*.

Power to borrow funds for repairs to drainage works.

589.—(1) Where the repairs, required to be made under either section 583 or section 586, are so extensive that the municipal council does not deem it expedient to levy the cost thereof in one year, the said council may pass a by-law to borrow upon the debentures of the municipality the funds necessary for the work, and shall assess and levy upon the property benefited a special rate sufficient for the payment of the principal and interest of the debentures: the by-law shall not require the assent of the electors.

Rev. Stat. c. 37.

(2) The provisions of *The Municipal Drainage Aid Act* shall apply to any debentures issued under the authority of any such by-law, if such by-law, before it was finally passed,

was published or notified in the manner provided by section 571 of this Act, or, after it was passed, was promulgated in the manner authorized by section 329 of this Act. 46 V. c. 18, s. 589.

590. If a drain already constructed, or hereafter constructed by a municipality, is used as an outlet by another municipality, company or individual, or if any municipality, company or individual by any means causes waters to flow upon and injure the lands of another municipality, company or individual, the municipality, company or individual using such drain as an outlet or otherwise, or causing waters to flow upon and injure such lands, may be assessed in such proportion and amount as may be ascertained by the engineer, surveyor, or arbitrators, under the formalities, except the petition, provided in the foregoing sections, for the construction and maintenance of the drain so used as an outlet as aforesaid; or for the construction and maintenance of such drain or drains as may be necessary for conveying from such lands the waters so caused to flow upon and injure the same. 46 V. c. 18, s. 590; 49 V. c. 37, s. 30.

Case of drain used by another municipality.

591. If any dispute arises between individuals, or between individuals and a municipality or company, or between a company and municipality, or between municipalities, as to damages alleged to have been done to the property of any municipality, individual or company, in the construction of drainage works, or consequent thereon, then the municipality, company or individual complaining may refer the matter to arbitration, as provided in this Act; and the award so made shall be binding on all parties. 46 V. c. 18, s. 591.

Disputes as to damage done by works to be referred to arbitration.

592. Where, on account of proceedings taken under this Act, or *The Ontario Drainage Act*, or other Acts respecting drainage works and local assessments therefor, damages are recovered against the corporation or parties constructing the drainage works, or other relief is given by any judgment or order of any Court, or any award made under this Act, all such damages, or any sum of money that may be required to enable the corporation to comply with any such judgment, order or award, made in respect thereof, shall be charged *pro rata* upon the lands and roads liable to assessment for such drainage works; provided always, that if to enable the corporation to comply with any such judgment, order or award, it shall be necessary or expedient to change the course of any drain, or to make a new outlet or otherwise improve or alter any drain or drainage works, the same shall for all purposes, and in all respects be dealt with and carried out, and all works and operations in respect thereof shall be executed and performed as if the same were alterations and improvements within the meaning of section 585, and all provisions of this

Damages caused by drainage to be charged on land liable for cost of drainage. Rev. Stat. c. 36.

Act applying to, or in respect of any work, alteration or improvement provided for by the said section, shall apply to any work, alteration or improvement intended to be provided for by this section. 49 V. c. 37, s. 31.

Carrying
drains into
adjoining lots
or across
highways.

593. In case any person finds it necessary to continue an underdrain into an adjoining lot or lots, or across or along any public highway, for the purpose of an outlet thereto, and in case the owner of such adjoining lot or lots, or the council of the municipality refuses to continue such drain to an outlet, or to join in the cost of the continuation of such drain, then the firstly mentioned person shall be at liberty to continue his said drain to an outlet, through such adjoining lot or lots, or across or along such highway; and in case of any dispute as to the proportion of cost to be borne by the owner of any adjoining lot or municipality the same shall be determined under the provisions of and in the same manner as is provided for the determination of similar disputes by *The Ditches and Water-courses Act*. 48 V. c. 39, s. 28.

Rev. Stat. c.
220.

Power to con-
tract to spread
earth, etc., on
making ditch
for drainage.

594. Where, under the provisions of sections 569 to 632 both inclusive, of this Act, a ditch is being constructed for drainage purposes along a road allowance, contracts may be made, by the municipal council so constructing, for spreading the earth taken from the ditch on the road; and if the road or any part thereof is timbered, or if stumps are in the way, the timber may be removed; and not less than twelve feet of the centre of the road shall be grubbed before the earth is spread upon it. 46 V. c. 18, s. 594.

Payment by
municipality.

595. The removal of the timber, grubbing and spreading of the earth, together with such portion of the cost of the ditch as the engineer or provincial land surveyor may deem just and proper, shall be charged to the municipality and paid out of its general funds. 46 V. c. 18, s. 595.

Construction
of ditch on
town line be-
tween munic-
ipalities.

596. Where it is necessary to construct such a ditch along a town line between two or more municipalities, the municipal council of either of the adjoining municipalities may, on petition, as provided for in section 569 of this Act, cause the ditch to be constructed on either side of the road allowance between the municipalities, and make the road in manner as provided in the last preceding two sections of this Act, and shall charge the lands and roads benefited in the adjoining municipality or municipalities with such proportion of the cost of constructing the said ditch as the engineer or surveyor aforesaid deems just and proper; and the amount so charged for roads, or agreed upon by the arbitrators, shall be paid out of the general funds of such municipality or municipalities. 46 V. c. 18, s. 596.

597. The provisions of sections 569 to 632, both inclusive, of this Act, shall apply, as far as applicable, to such ditch. Secs. 569-632 to apply.
46 V. c. 18, s. 597.

598.—(1) Where any works proposed to be constructed in any locality under section 569 affect more than one municipality, either on account of such works passing, or partly passing, through two or more municipalities, or on account of the lowering or raising of the waters of any stream or lake, which is contemplated in the proposed scheme of drainage, either draining or flooding lands in two or more townships, the county council of the county to which such municipalities belong, upon the application of the council of any of the municipalities affected, and without any preliminary petition from the owners of the property to be benefited may pass by-laws for the purposes authorized by the said section. Where more than one municipality in same County, affected county council may pass by-law.
46 V. c. 18, s. 598 (1).

(2) Unless where contrary to this Act the provisions of sections 569 to 574, 576, 590 and 591 shall apply to any works constructed under this section; but the Court to be held for the trial of complaints in the first instance shall be composed of three or more persons, nominated by the county council for that purpose, who may or may not be members of the council, as the council may deem expedient, and any three or more of the persons nominated who are present at the sittings of such Court may proceed and adjudicate upon any complaints, notwithstanding the absence of one or more of the members of the Court. The engineer or surveyor who made the assessment shall not be a member of the Court of Revision. Sections 569-574, 576, 590 and 591 to apply to work under this section.
46 V. c. 18, s. 598 (2); 49 V. c. 37, s. 33.

(3) The sittings of such Court shall be held in the county town, or in such other place or places as the county council or the majority of the said Court may name. All complaints against the assessment shall be lodged with the clerk of the county. Where court for trial of complaints shall sit.
46 V. c. 18, s. 598 (3).

599. The county shall raise the money necessary for the construction of the said works, but each township shall be liable to the county for the amount payable in respect of all the lands within such township, and each township shall pass such by-laws as may be requisite for collecting the amount assessed against the lands or roads within its jurisdiction. County to raise necessary funds, but townships to be liable for same.
46 V. c. 18, s. 599.

600.—(1) In case the municipalities upon which the cost of the works would fall are in several counties, any of the counties may procure an examination to be made by an engineer or Provincial land surveyor of the lands affected by the proposed works, and may procure plans of the work, and estimates to be made of the cost thereof, including an estimate of the amount Construction of works in several counties.

to be paid for damages, if any, and an assessment to be made by such engineer or Provincial land surveyor of the real property to be benefited, stating, as nearly as may be in the opinion of such engineer or surveyor, the proportion of benefit to be derived from such works by every road and lot or portion of lot.

Municipality may agree to indemnify county.

(2) Any municipality may agree to indemnify the county, in respect of the expenses incurred in the case of the works not being proceeded with. 46 V. c. 18, s. 600.

If work approved by council report to be published, and copies of plans, etc., served on warden of each county.

601. The council shall thereupon, if it considers it desirable to proceed with the work, pass a resolution to this effect, and shall cause a copy of the said report to be published at least once in newspapers published in the county towns of the several counties affected, or in newspapers published in such of the said county towns as have newspapers, but it shall not be necessary that such report shall be published in more than one paper in one county town, and shall cause to be served a copy of the report, plans, specifications, estimates and assessment upon the warden of each of the other counties affected. 46 V. c. 18, s. 601.

When votes of persons assessed to be taken.

602.—(1) In case ten of the owners of the property assessed, within ten days of the first publication of the report in a newspaper published in the county town of the county the council of which procured the examination to be made, petition such council not to proceed with the work, such council shall, if it desires to proceed therewith, pass a by-law for taking the votes of the persons assessed, upon the question whether or not the work shall be proceeded with; such by-law shall provide for holding a polling place in each municipality affected, whether within or without the county passing the by-law; and every person whose lands are assessed, or if the lands of a married woman are assessed, then the husband of such married woman, shall be entitled to vote upon the question: Provided the person proposing to vote is of the full age of twenty-one years, and shall, if required, name the lands in respect of which he claims to be entitled to vote; and shall also, if required take the oath or affirmation following:

Provide.

Form of oath.

You swear that you are of the full age of 21 years, and a natural born (or naturalized) subject of Her Majesty.

That you have not voted before in the township on the question now being voted upon.

That you are the owner (or as the case may be) of the lands in respect of which you claim to vote, namely (here mention the lands).

That you are, according to law, entitled to vote on the said question.

That you have not directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender.

That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote on the said question, or for loss of time, travelling expenses, hire of team, or any other service connected therewith.

That you have not directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting.

So help you God.

(2) The clerk of each municipality shall act as deputy re- Deputy re-
turning officer
and proceed-
ings at poll. turning officer at the polling place in such municipality, and the proceedings for taking the poll shall be the same, as nearly as may be, as the proceedings upon voting upon a by-law.

(3) The clerk of the county council which passed the by-law Who to be re-
turning officer. shall act as returning officer. 46 V. c. 18, s. 602.

603.—(1) If a vote of the owners has been taken, and they have decided in favour of proceeding with the work, or if such a vote has not been taken, then after the time for presenting a petition as aforesaid has elapsed, in case the council or councils of the county or counties upon which two-thirds of the cost of such work fall, shall have passed a resolution or resolutions to the effect that it is desirable to proceed therewith, the council which caused the survey to be made may serve upon the warden of the other county, or each of the other counties, a notice (hereinafter called a requisition of appeal) requiring such county to state whether or not it is content to accept the assessment made, as shewing the proper proportion to be borne by such county, and notifying such council that if dissatisfied with such assessment they must, within thirty days from the receipt of such notice by their warden, appeal therefrom. Service of
"requisition
of appeal,"
and effect
thereof.

(2) If the council whose warden is served with a requisition of appeal do not, within thirty days of such service, serve the warden of the council from which they received the requisition with a written notice of appeal, they shall be deemed to have accepted the assessment: Provided that the High Court, or a Judge thereof, if it be shewn that the omission to serve the notice of appeal was through mistake, oversight or misadventure, may upon such terms, as to the Court or Judge seem just, relieve them, and permit them to appoint an arbitrator. Time within
which notice
of appeal to be
served.
Proviso.

(3) In case a council whose warden is served with a requisition of appeal is dissatisfied with the proportion assessed against the county, or with the proportion assessed against any other county, they shall, within thirty days of the receipt of the requisition by their warden, serve the warden of the county from which they received the requisition with a written notice of appeal, and shall also serve each of the other counties affected with a like notice. Parties on
whom notice
of appeal to be
served.

Particulars
which notice is
to contain.

(4) The notice shall state the grounds of appeal, and the name of an arbitrator appointed by such council, and shall call upon the council served to appoint an arbitrator on their behalf within ten days after service of such notice.

Appointment
of arbitrator
by county
judge.

(5) In default of an appointment, within the said term, the Judge of the County Court of the county in default shall appoint an arbitrator for such county.

Who may not
be arbitrators.

(6) Neither the engineer or surveyor who made the assessment, nor any officer or member of any council concerned, shall be appointed an arbitrator.

Provision in
case there is an
even number
of arbitrators.

(7) In case, after such council has appointed an arbitrator, there is an even number of arbitrators, such arbitrators shall select an additional arbitrator, or in case of the arbitrators not agreeing in such selection within thirty days after the completion of their number, the Lieutenant-Governor in Council may appoint such additional arbitrator. 46 V. c. 18, s. 603.

Arbitrators to
apportion cost
of work.

604. The arbitrators shall, by their award, determine the proportion of the cost of such work that is to be borne by each of the minor municipalities whose lands are affected thereby. 46 V. c. 18, s. 604.

Decision of
majority to be
binding.

605. In case of a difference between the arbitrators, the decision of the majority shall be conclusive, and the arbitrators shall make their award in so many parts as may be necessary, to permit of one thereof being filed with the clerk of each of the counties interested, and one shall be filed with the clerk of each such county accordingly. 46 V. c. 18, s. 605.

Application to
High Court of
Justice when
arbitrators un-
able to agree.

606. In case a majority of the arbitrators are unable within six months of their appointment, to agree, or in case, prior to the expiration of the said term they, by an instrument in writing, signed by the majority of them, declare their inability to agree upon a complete award, any of the counties interested may apply to a Judge of the High Court to appoint an umpire, and the umpire may make an award upon hearing the points in difference between the arbitrators stated by them, or may, if he deems necessary, re-hear the entire case, or such particular parts thereof as he considers requisite. 46 V. c. 18, s. 606.

Right of minor
municipalities
interested to
appear on
arbitration.

607. Any of the minor municipalities interested may appear, by their head, or by their counsel or agent, before the arbitrators, in support of the assessment, or of any variations which they contend should be made in the proportions in which the minor municipalities are assessed. 46 V. c. 18, s. 607.

608. In case more counties than one are concerned, no by-laws for assessing the cost of the work upon the various parcels and roads shall be passed until it is ascertained that there is not to be an appeal, or until after the award is made, where an appeal is had. 46 V. c. 18, s. 608.

Where several counties interested, by-laws for assessment not to be passed pending appeal.

609. Immediately upon an award being made, or, in case there is no appeal, immediately after the time for appealing has elapsed, each county interested shall pass a by-law or by-laws to raise the sum chargeable against such county, and for assessing and levying the same, in accordance with the proportions fixed by the report of the engineer or surveyor, upon the real property within the county to be benefited by the said works, and for the appointment of a court for the trial, in the first instance, of complaints against such assessment, in the same manner and subject to the same conditions as is hereinbefore provided in respect of a county which is solely interested. 46 V. c. 18, s. 609.

After award made, or after time for appeal expired, each county to pass by-law for raising sum required.

610. Sections 584, 592 and 599, and sub-sections 2 and 3 of section 598 shall apply to drainage works, in which several counties are interested, as well as to works which only affect one county. 46 V. c. 18, s. 610.

Application of ss. 584, 592, 598 (2, 3), and 599.

611. In case any of the drainage works hereinbefore referred to, are to be carried through, across, under or along the railway of any railway company, in respect of which this Legislature has authority in this behalf, the powers of the municipal councils are, so far as regards the railway, to be exercised, subject as nearly as may be to the terms and restrictions contained in *The Railway Streets and Drains Act*. 46 V. c. 18, s. 611.

Powers of municipalities to be subject to cap. 199.

Cost of Local Improvements. Secs. 612-628.

612. The council of every township, city, town, and incorporated village may pass by-laws for the following purposes:

Councils may make by-laws for—

1. For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed improvement, the expense of which is proposed to be assessed, as hereinafter mentioned, upon the real property benefited thereby; and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of real estate so benefited; and there shall be the same right of appeal from any such assessment, to the Court of Revision, and from the Court of Revision to the County Judge, as is provided for by section 569 of this Act, and the proceedings thereon shall, except as otherwise provided in section 622 of this Act, be the same respectively as in the case of appeals from ordinary assessments under *The Assessment Act*. 47 V. c. 32, s. 20: 50 V. c. 29, s. 48.

Manner of ascertaining real property benefited by local improvements.

Appeal.

Rev. Stat. c. 193.

General
by-law for
determining
property
benefited
by improve-
ments
sufficient.

(a) It shall be deemed to have been and to be a sufficient compliance with the provisions of the preceding paragraph of this sub-section, if the council shall have passed or shall pass a general by-law or general by-laws, providing the means of ascertaining and determining what real property will be immediately benefited by any proposed improvement, the expense of which is proposed to be assessed upon the real property immediately benefited thereby, and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of real estate so benefited, and it shall not be deemed to have been, or to be, necessary to pass a special by-law for the purposes above mentioned in each particular instance; but nothing in this paragraph shall affect any litigation pending on the 30th day of March, 1885, or the rights of the parties thereto; 48 V. c. 39, s. 36.

Assessing and
levying upon
real property
benefited the
cost of certain
public works.

2. For assessing and levying by means of a special rate, the cost of deepening any stream, creek, or water course, and draining any locality, or making, enlarging or prolonging any common sewer, or opening, widening, prolonging, or altering, macadamizing, grading, levelling, paving, or planking any street, lane, alley, public way or place, or any sidewalk, or any bridge forming part of a highway therein, or curbing, sodding, or planting any street, lane, alley, square, or other public place, or reconstructing, as well as constructing any work hereby provided for;

Preceding sub-
sections not to
apply to cer-
tain works.

3. Nothing contained in the preceding sub-sections shall be construed to apply to any work of ordinary repair or maintenance; but all works constructed under the said preceding sub-sections shall thereafter be kept in a good and sufficient state of repair at the expense of the township, city, town, or village generally; 46 V. c. 18, s. 612 (2-3); 50 V. 29, s. 48.

Rate to be
assessed on
frontage.

4. The special rate to be so assessed and levied shall be an annual rate according to the frontage thereof, upon the real property fronting or abutting upon the street or place whereon or wherein such improvement or work is proposed to be done or made, subject to the provisions following, namely:

(a) Unless the majority of the owners of such real property, representing at least one-half in value thereof, petition the council against such assessment, within one month after the last publication of a notice of such proposed assessment, in at least two newspapers published in such township, city, town, or incorporated village, if there are two newspapers published therein; and if there are not, then in a newspaper published nearest to the proposed improvement or work, such publication to be once in each week for

two weeks; any leaseholder, the term of whose lease (including any renewals therein provided for) is not less than twenty-one years, shall be deemed an owner within the meaning of this sub-section if the lessee has therein covenanted to pay all municipal taxes on the demised property during the term of said lease; 46 V. c. 18, s. 612 (4a); 49 V. c. 37 s. 32; 50 V. c. 29, s. 48.

(b) In the event of any such petition against any such proposed assessment, sufficiently signed, being presented to the council, no second notice of assessment for the same proposed improvement shall be given by the council within two years thereafter;

(c) The number of the owners petitioning against the assessment and the value of the real property which they represent, may be ascertained and finally determined in such manner and by such means as are provided by by-law in that behalf. 46 V. c. 18, s. 612 (4 b, c.);

5. If in any case the first assessment for any local improvement proves insufficient, the council shall make a second in the same manner, and so on until sufficient moneys shall have been realized to pay for such improvements or works, and if too large a sum shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid; Provision in case of insufficient or excessive assessment.

6. For regulating the time or times and manner in which the assessments to be levied under this section are to be paid, and for arranging the terms on which parties assessed for local improvements may commute for the payment of their proportionate shares of the cost thereof in principal sums; Regulating time and manner of levying assessments, etc.

7. For effecting any such improvement as aforesaid with funds provided by parties desirous of having the same effected; If funds furnished by parties. 46 V. c. 18, s. 612 (5-7).

8. If the contemplated improvement is the construction of a common sewer having a sectional area of more than four feet, one-third of the whole cost thereof shall be provided for by the council; the council of any municipality which has not passed a by-law within and under the provisions of section 625 of this Act shall also provide, in connection with all sewers, the cost of all culverts and other works necessary for street surface drainage, and shall also provide the cost of that part of every such work, improvement or service which is incurred at and is chargeable in respect of street intersections, and also that part thereof done or made opposite real property which by any general or special Act is exempt from special or local assessment; Construction of sewers, etc., in part to be provided by Council.

9. Upon the receipt of a petition praying for any of the works, improvements or services mentioned in this section, signed by at least two-thirds in number of the owners of any Council to undertake works on petition of owners to be benefited.

real property to be benefited thereby, such owners representing at least one-half in value of such real property, the council may make the necessary assessment, pass the necessary by-laws, and take all proper and necessary proceedings for the execution and completion of such work, improvement or service, with as little delay as possible; 47 V. c. 32, s. 21.

Lands benefited to be charged with proportion of cost of certain local improvements.

10. If the contemplated works or improvements relate to any stream, creek or watercourse, or to draining any locality, and in the opinion of the engineer or surveyor benefit any land-lying within the municipality, or any road or roads lying therein, then the engineer or surveyor aforesaid shall charge the lands to be so benefited, and the corporation, person or company whose road or roads are improved, with such proportion of the cost of the work or improvement as he may deem just; and the amount so charged for roads or agreed upon by arbitration shall be paid out of the general funds of the municipality or company, and the provisions of this Act relating to drainage, so far as applicable, shall apply to any such work or improvement constructed under this section. 48 V. c. 39, s. 29.

Cost of sewers.

613. In ascertaining and determining the cost of draining any locality or making and laying or prolonging any common sewer, the council of any township, city, town or incorporated village, may estimate the cost of the construction of branch drains to the line of street, and include the cost of such branch drains in making the assessment for such drains or common sewers, as a local improvement pursuant to the last preceding section. 50 V. c. 29, ss. 48, 49.

Assessment of corner lots, etc., for local improvements.

614. The council of every township, city, town, and incorporated village may, by by-law, provide an equitable mode of assessing for local improvements works and services, corner lots, triangular or other irregular shaped pieces of land situate at the intersections or junctions of streets, having due regard to the situation, value and superficial area of such lots, as compared with adjoining lots and pieces of land assessable for such improvements, works and services, and may charge the amount of any allowance, made on any such lot or piece of land, on the other real property fronting on the improvements, or assume the same as a portion of the municipality's share of the work or improvements; the said matters to be subject to appeal to the County Court Judge as already provided. 46 V. c. 18, s. 613; 50 V. c. 29, s. 48.

Refund of part of special rate for local improvements imposed on corner lots, etc.

615. It shall and may be lawful for the council of any township, city, town, or incorporated village by a two-thirds vote of the council to pass by-laws to remit and refund so much of the special rates imposed prior to the 30th day of March 1885, on corner lots and irregular pieces of land for the construction of pavements and sidewalks under local improvement by-laws as may be necessary to equalize the assessment made

on such property with the assessment made on adjoining properties for the same improvement or work, and to provide the amount of all rates so remitted or refunded by passing by-laws for borrowing money by the issue of debentures, or by including said amounts in the rate bills for the year; provided that no such remission or refund shall be made in any case where the work or improvement shall have been made or constructed more than four years before the passage of the by-law authorizing the refund or remission. 48 V. c. 39, s. 35; 50 V. c. 29, s. 48.

616. In any case when notice of a proposed improvement, work or service, to be paid for by special assessment as a local improvement, has been given by any council of any municipality pursuant to the provisions of chapter 174 of the Revised Statutes of Ontario, 1877, or of *The Consolidated Municipal Act, 1883*, or any amending Act or Acts, and no petition sufficiently signed has been presented to the said council or to the succeeding council against such proposed improvement, work or service and assessment within the time limited in that behalf by the said Acts, it shall be lawful for the said council, in the same or any succeeding year, to carry on the proposed work, improvement or service to completion, before making the assessment therefor; and such notice, so given, shall stand good as authority for undertaking any such work, improvement or service, and making such assessment or assessments, and passing all necessary by-laws, whether the same shall have been or shall be undertaken and completed by the council giving such notice, or by the council in any succeeding year. 49 V. c. 37, s. 40.

617. Where the lands on either side of a street, lane, or alley in a city, town or incorporated village, in the opinion of the council, are from any cause unfit for building purposes, and the council deem it inequitable to assess the same for local improvements at as high a rate as the building lots fronting on said street, lane or alley, the council shall, in all such cases, determine in what proportion the cost of any such improvement shall be borne by the lands on each side of said street, lane, or alley, respectively. 46 V. c. 18, s. 614.

618.—(1) Where it shall, in the opinion of the council of any township, city, town or incorporated village, be deemed expedient and necessary to construct or repair bridges or culverts on any street, lane or alley, or to open up and extend any street, lane or alley within the limits thereof for the more immediate convenience or benefit of any locality within such limits, and the council is of opinion that from any cause it is inequitable to charge the whole of the cost of the improvement on the lands fronting thereon, the council shall determine what lands are benefited by the extension, opening up and improving such street, lane or alley, and the proportion in which the cost thereof shall be

assessed against the lands so benefited, and also the proportion, if any, of the cost of the improvement, which shall be assumed by the township, city, town or incorporated village as its share thereof: provided always that the share or proportion of the cost of such improvement assumed by the municipality may be provided for by the issue of debentures upon the credit of the municipality at large in like manner as in the case of the share of the municipality of other local improvements: provided, also, that all assessments made under the above provisions shall be subject to an appeal to the Judge of the County Court in like manner as in the case of other special assessments for local improvements, under the provisions of this Act. 48 V. c. 39, s. 33; 50 V. c. 29, ss. 43, 48.

(2) In any case when the council affirms by a two-thirds vote thereof that the constructing, erecting, or making of any bridge, culvert or embankment, benefits the municipality at large, and that it would be inequitable to raise the whole cost of such improvement or work by local special assessments, the council may pass a by-law for borrowing money by the issue of debentures upon the credit of the municipality at large to provide as the corporation's share of the cost of such improvement or work an amount not exceeding one-half of the whole cost thereof; and no such by-law shall require the assent of the electors before the final passing thereof. 50 V. c. 29, s. 43.

Assessment of lands benefited by improvements where land does not front on street on which improvement made.

619. If in the case of the construction or repair of a bridge or culvert, or the opening up and extension of any street, lane, or alley, the council shall determine what real property other than that fronting or abutting upon the street, lane, or alley, whereon or wherein the improvement is made, or to be made, is specially benefited, and ought to be charged with a part of the cost thereof, and shall determine the proportion in which the cost of the improvement shall be assessed against the lands so benefited, the council shall assess and levy the proportion of the cost of the improvement chargeable against the lands benefited, but not fronting or abutting upon such street, lane, or alley, by a frontage rate, in like manner as the same would be assessed and levied in the case of lands fronting or abutting upon the street, lane, or alley, whereon or wherein the improvement is made or to be made. 48 V. c. 39, s. 34.

Council may permit owners to build or improve sidewalks in front of their lands.

620. The council may permit the owner or owners to build or improve the sidewalk in front of his or their lands, and any street, lane, or alley, within a township, city, town, or incorporated village, under the direction of the council or an officer thereof appointed for that purpose, and according to such plans and regulations as the council may prescribe, in which case the owners or occupants of such lands shall be exempt from all taxes for improvements of a like nature so long as he or they shall keep the same in repair to the satisfaction of the council. 46 V. c. 18, s. 616; 50 V. c. 29, s. 48.

621.—(1) For the purpose of enabling councils to avoid the necessity of making supplementary assessments, or refunding in case of over assessments, and of ascertaining the exact cost of any work or improvement, done or constructed, as a local improvement under the provisions of this Act, they may and they are hereby authorized and empowered to make agreements with any bank, or any person or body corporate for temporary advances and loans until the completion of the work or improvement, for meeting the cost thereof, and they may and they are hereby authorized and empowered in their option to make the special assessments for the cost thereof, after the work or improvement, as the case may be, shall have been completed, and to pass the necessary by-law authorizing the issue of debentures to repay the amount of the temporary loan or advance.

Power to
borrow funds
for local im-
provements

(2) Every by-law for borrowing money shall provide for the repayment of the loan and the maturing of debentures to be issued pursuant to such by-law, within the probable life of the work or improvement for which such debt has been incurred, as certified by the engineer, or other proper officer, to be appointed by the council for that purpose.

Time for re-
payment of
loans.

(3) If, in any case a debt has been incurred by the municipality for any work or improvement done or constructed under the provisions of this Act, and after the incurring of the said debt the special assessment for such work or improvement or the by-law providing for borrowing money therefor, be set aside or quashed, either wholly or in part, on the ground of any irregularity or illegality in the making of such assessment or passing such by-law, it shall be lawful for the council, and they are hereby authorized, to cause a new assessment or assessments to be made, and to pass a new by-law, so often as may be necessary to provide funds for the payment of the debt so incurred for such work or improvement: Provided always that nothing herein contained shall be construed as authorizing any assessment to be made, or work or improvement to be undertaken, except the same be initiated in some one of the three methods by law provided, namely:

Where special
assessments
are irregular,
new assess-
ments may be
made.

- (a) Either on the report of the engineer or other sanitary officer, and of a committee of the council, recommending the proposed work or improvement for sanitary or drainage purposes adopted by the council; or
- (b) On a petition of the owners of the real property benefited, sufficiently signed; or
- (c) After due notice, as above provided, of the proposed assessment, and no petition of the owners of the real property benefited, against the proposed assessment, sufficiently signed, being presented to the council within the time limited therefor.

Property charged with local improvements to be exempt from general rates for same purpose.

(4) Any real property specially assessed by any council for any local improvement or work under this Act, and real property where such improvement or work has been done with moneys provided by the owners of such real property, and real property the owners of which have constructed their own works and improvements, which would otherwise have been constructed by the municipality as local improvements, shall be exempted by the council from any general rate or assessment for the like purpose, except the cost of works and improvements at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of works and improvements opposite real property which is exempt from such special assessments, and the general rate which may be imposed to meet the cost of maintenance and repairs on works and improvements constructed under local improvement by-laws. 46 V. c. 18, s. 617.

By-laws need not be advertised, but notice of the sitting of the court of revision shall be served on owners, lessees, etc.

622.—(1) No by-law passed by the council of any township, city, town or incorporated village, under the provisions of sections 569, 570, or 612 of this Act, shall require to be advertised or published by the said council in any newspaper, but a written or printed, or partly written and partly printed, notice of the sitting of the Court of Revision for the confirmation of every such special assessment shall be given to the owners, lessees and occupants, or the agents of the owners, lessees and occupants, of each parcel of real estate included in such by-laws and assessment. 46 V. c. 18, s. 618 (1); 50 V. c. 29, s. 48.

(2) Every such notice shall contain a general description of the property in respect of which the same is given, the nature of the proposed improvements, work or service, the estimated total cost thereof; the amount of the assessment on the particular piece of property, and the time and manner in which the same is payable, and shall be signed by the clerk, or the assessment commissioner, or other officer to be appointed by the council for the purpose, and be mailed to the address of the person entitled to notice, at least fifteen days before the day appointed for the sittings of the said Court, and ten days' notice shall also be given by publication in some newspaper, having a general circulation, of the time and place of the meeting of the said Court, which notice shall specify generally what such assessment is to be for and the total amount to be assessed. 46 V. c. 18, s. 618 (2); 50 V. c. 29, s. 44.

General description in by-laws under s. 612, sufficient where special rate is a frontage rate.

623.—(1) Where a by-law passed under the provisions of section 612 of this Act provides, or is intended to provide, that the special rate assessed thereunder shall be a frontage rate, it shall not be necessary to comply with the provisions of sub-section 1 of the said section, or to advertise or publish the by-law, or to comply with the provisions of the next preceding section of this Act, but it shall be sufficient if the by-law describe the street or place or part thereof, whereon or wherein

the local improvement is to be made by a general description thereof, stating the points between which it is to be made, and it shall not be necessary for such by-law to state the value of the real property ratable thereunder, or to impose a rate upon such real property, by any description other than that hereinbefore mentioned.

(2) In cases to which the next preceding sub-section applies the council shall procure a measurement of the frontage liable to the rate mentioned therein, and of the frontages exempt from taxation, and of the frontages of the several lots or parcels of land liable to such rate, and shall keep a statement of the same open for inspection in the office of the clerk of the municipality for at least ten days before the final passing of the by-law, and the council shall also cause to be inserted in a public newspaper published within the municipality, or in the county town, or in a public newspaper published in the nearest municipality in which a public newspaper is published, once a week for two successive weeks, a notice in the form following or to the like effect:

Take notice that a by-law is intended to be passed by the Municipal Council of the Corporation of the _____ of _____ for levying a frontage rate to pay for the *(describing the work)* constructed *(or made)* or to be constructed *(or made)* *(as the case may be)* on _____ street, between *(describing the points between which the work has been or is to be made or constructed)* and that a statement shewing the lands liable to pay the said rate and the names of the owners thereof, so far as they can be ascertained from the last revised assessment roll, is now filed in the office of the Clerk of the Municipality and is open for inspection during office hours.

The cost of the work is \$ _____ of which \$ _____ is to be provided out of the general funds of the municipality.

A Court of Revision will be held on _____ at _____ for the purpose of hearing complaints against the proposed assessment or accuracy of the frontage measurements or any other complaint which persons interested may desire to make, and which is by law cognizable by the court.

Dated _____

Clerk.

(3) There shall be the same right of appeal from any such assessment to the Court of Revision, and from the Court of Revision to the County Judge, as is provided in section 569 of this Act, and the proceedings thereon shall, except as otherwise provided by this Act, be the same (as nearly as practicable) as in the case of appeals from ordinary assessments under *The Assessment Act*, and the Court of Revision and the County Judge shall respectively have the like jurisdiction, rights and powers in respect to every such appeal as in the case of such last mentioned appeals. Rev. Stat. c. 193.

(4) The said statement, or the same as altered or varied by the Court of Revision or the County Judge upon appeal, shall be final and conclusive as to all matters therein contained. 48 V. c. 39, s. 38.

Property specially assessed to be exempt from general assessment for same purpose.

624.—(1) Any real property specially assessed by any council for any local improvement or work under this Act, shall be exempted by the council from any general rate or assessment for the like purpose, except the cost of works at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of like works opposite real property which is exempt from such special assessment.

(2) Where a local improvement or service is petitioned for, and the petition is by two-thirds in number of the owners of the real property fronting or abutting upon the street or place wherein or whereon such improvement or work is proposed to be done or made, the exemption may be for a specified period named in the petition and agreed to by the council.

(3) Or if, either with or without naming any period for such exemption, the petition requests an arbitration, the council may accede to the proposal for an arbitration.

(4) In case the matter is to be determined by arbitration, a sole arbitrator shall be chosen for the purpose by the county Court Judge, unless some person or persons is or are agreed to in that behalf by the petitioners and the council.

(5) Where, by reason of a special assessment, the owners are exempted from a general rate, for the like purpose, as aforesaid, the council shall, from year to year, by by-law directing the general rate of assessment, or by some other by-law, state what proportion of the general rate is for purposes for which there is such special assessment in any part of the municipality, and shall state the same in such manner as may give effect to this section.

(6) Until a by-law is passed containing such statement, none of the money raised by general rate on real property specially assessed or rated for any work or service hereafter executed shall be applied to any work or service of the same character in any part of the municipality. 46 V. c. 18, s. 619.

By-laws directing improvements to be made by local assessment.

625.—(1) The council of any township, city, town or incorporated village may, by a by-law, passed with the assent of the electors according to the provisions of this Act, direct that all future expenditure in the municipality for the improvements and services, or for any class or classes of improvement or service, for which special provisions are made in sections 612 and 629, shall be by special assessment on the property benefited, and not exempt by law from assessment.

Repeal of by-laws.

(2) After such a by-law has been passed in manner aforesaid, it shall not be repealed without the like assent of the electors; and, in case of such repeal, the preceding section, with respect to freedom from any general rate or assessment of property which is subject to a special rate, shall apply to all property which had been specially rated or assessed for such improve-

ment or service, while the repealed by-law was in force. The time the exemption is to cease, is to be determined by arbitration, and the arbitrator is to be appointed by the County Judge, on the application of the council. 46 V. c. 18, s. 620; 50 V. c. 29, s. 48.

(3) Notwithstanding anything contained in sub-section 3 of section 612, after such a by-law has been passed in manner aforesaid, the council may pass a by-law or by-laws dividing the municipality into certain areas, districts or sections within which the streets or parts of streets may be maintained, repaired, cleaned, cleared of snow and ice, watered, swept, lighted and the grass therein cut and trees therein trimmed, and may impose a special rate upon the assessed real property therein, according to the frontage thereof, in order to pay any expenses incurred in maintaining, repairing, cleaning, clearing of snow and ice, watering, sweeping and lighting such streets or parts of streets, and cutting grass and trimming trees therein, or for any one or more of such services. 48 V. c. 39, s. 30.

Repairing and
cleaning
streets.

626. With respect to land on which a place of worship is erected, and land used in connection therewith, the municipal council may, by the by-law to be passed in that behalf, require the corporation, trustees, and other persons in whom is vested any such property, and the said property, to be assessed for any local improvement in the same manner, and to the same extent, as the other owners and land benefited by the improvement, in the following cases, namely:

Assessment of
places of wor-
ship for local
improvements.

1. In case a by-law is passed under the preceding section;
2. Or in case no such by-law is passed, but two-thirds of the owners of the real property to be benefited by the proposed improvement (excluding such corporation, trustees, or other persons aforesaid), representing at least one-half in value of the remaining property, petition the council to undertake the said improvement;
3. Or in case no such by-law is passed as aforesaid, but the said corporation, trustees or other persons, and two-thirds of the owners of the real property to be benefited by the proposed improvement (including the said corporation, trustees, or other persons), representing at least one-half in value of the property, including the said property so vested in the corporation, trustees, or other persons aforesaid, petition the council for the said improvement. 46 V. c. 18, s. 621.

627.—(1) In case of a special assessment on property benefited by local improvement, the council of the municipality (if they think fit) may, by by-law, provide for constructing, at the expense of the general funds of the municipality, such part of the local improvement as is situate upon or in that part of any street, lane, alley, public place, or square, which is intersected by any other street, lane, alley, public place, or square, or as

Certain part of
improvements
may be charg-
ed on general
rates.

would otherwise fall on property exempt from assessment: and the council may provide for the cost in the general rates or taxes for the year, or by the issue of debentures, or in such other manner not inconsistent with the provisions of this Act, or any special Act, as to said council may seem best, and subject to such by-laws as the council may pass in that behalf.

Provisions as
to "Local
Improvement
Debentures."

(2) The by-law authorizing the issue of the debentures need not be submitted for the assent of the electors of the municipality; and the debentures being issued to pay for that part of the work payable by local assessment may, if the council thinks fit, be issued as a series distinct from those required to pay for that part which is to be borne by the general funds of the municipality, or all the debentures required for the work may be issued in one series, as "Local Improvement Debentures." This sub-section shall be deemed declaratory of the law on and from the 5th day of March, 1880. 46 V. c. 18, s. 622.

Assent of
electors not
required to
by-laws for
raising Muni-
cipality's share
of cost of
local improve-
ments.

628.—(1) The council of any township, city, town, or incorporated village may pass all by-laws necessary, from time to time, to raise loans and borrow moneys required for its share of any local improvements and works, on the credit of such township, city, town or incorporated village at large; and it shall not be necessary to obtain the assent of the electors of such township, city, town, or village to the passing of any such by-law under the provisions of this Act, any special or private Act in that behalf to the contrary notwithstanding; provided always that nothing in this section contained shall be construed as authorizing an extension of the general debt of such township, city, town, or village beyond the limits thereof fixed by any Act limiting the same.

(2) It is hereby declared that the debentures issued under local improvement by-laws on the security of special assessments therefor form no part of the general debt of any such municipality, within the meaning of any such last above-mentioned Act, and it shall not be necessary to recite the amount of such local improvement debt so secured by special rates or assessments in any by-law for borrowing money on the credit of the township, city, town, or incorporated village at large as aforesaid, but it shall be sufficient to state in any such by-law, that the amount of the general debt of the municipality as therein set forth is exclusive of local improvement debts, secured by special Acts, rates or assessments. 46 V. c. 18, s. 623; 50 V. c. 29, s. 48.

Sweeping, Lighting and Watering Streets.

Sweeping
lighting and
watering
streets.

629.—(1) The council of every township, city, town and incorporated village may pass by-laws for raising, upon the petition of at least two-thirds of the freeholders and householders resident in any street, square, alley or lane, representing in value one-half of the assessed real property therein, such

sums as may be necessary for sweeping, watering or lighting the street, square, alley or lane, by means of a special rate on the real property therein, according to the frontage thereof, or according to the assessed value thereof when only such latter system of assessment shall have been adopted by a three-fourths vote of the full council; but the council may charge the general corporate funds with the expenditure incurred in such sweeping, watering or lighting as aforesaid. 46 V. c. 18, s. 624 (1); 50 V. c. 29, ss. 45, 48.

(2) The council may also, by by-law, define certain areas or sections within the municipality, in which the streets should be watered, swept and lighted, and may impose a special rate upon the assessed real property therein, according to the frontage thereof, in order to pay any expenses incurred in watering, sweeping or lighting such streets. 46 V. c. 18, s. 624 (2). Special rate may be imposed therefor.

(3) The council may also include in either of the foregoing by-laws, the cutting of grass and weeds, and trimming the trees or shrubbery on any such street, square, alley or lane, and otherwise cleaning the same. 48 V. c. 39, s. 31. Cutting grass, etc.

(4) The council may also by by-law define certain areas or sections within the municipality in which all snow, ice and dirt and other obstructions shall be removed from the sidewalks, streets, lanes or alleys, in such area or sections, and may impose a special rate upon the real property therein, according to the frontage thereof, in order to pay any expenses incurred in removing such snow, ice, dirt, or other obstruction. 50 V. c. 29, s. 46. Removal of snow, ice, etc.

DIVISION II.—TOWNSHIPS AND VILLAGES.

Light and Water. Sec. 630.

630.—(1) In addition to the powers conferred upon the councils of townships and incorporated villages by sections 612 to 628, both inclusive, of this Act, the council of any such township or village, under and subject to the provisions of the said sections, may pass by-laws providing for lighting, or for the construction of water works for the purpose of fire protection. Lighting and water-works.

(2) The said council may, by the same or any subsequent by-law, define by metes and bounds, or otherwise, what real property will be immediately benefited by the proposed improvement, and is to be charged with the cost thereof, and may also, by such by-law, make provision for assessing and levying on the property so defined the cost of managing and maintaining the said works.

3. Sub-section 3 of section 612 of this Act, shall not apply to any works constructed under the powers by this section conferred. 48 V. c. 39, s. 32; 50 V. c. 29, s. 48.

DIVISION III.—COUNTIES.

Special rates by County Councils for local improvements in Townships. Secs. 631-633.

Special rates
for local im-
provements.

631. The council of every county shall have power to pass by-laws for levying, by assessment on all ratable property within any particular part of one or parts of two townships to be described by metes and bounds in the by-law, in addition to all other rates, a sum sufficient to defray the expenses of making, repairing or improving any road, bridge, or other public work, lying within one township or between parts of such two townships, and by which the inhabitants of such parts will be more specially benefited, but this section shall not apply to any road, bridge or other public works within the limits of any town or incorporated village. 46 V. c. 18, s. 625.

Proceedings
to obtain by-
law for such
improve-
ments.

632. No by-law under the last preceding section shall be passed, except—

1. Upon a petition signed by at least two-thirds of the electors who are rated for at least one half of the value of the property within those parts of such township which are to be affected by the by-law; nor

Notice to be
posted up,
and published
for three
weeks.

2. Unless a printed notice of the petition, with the names of the signers thereto, describing the limits within which the by-law is to have force, has been given for at least one month, by putting up the same in four different places within such parts of the township, and at the places for holding the sittings of the council of each township, whether it be within such parts or not, and also by inserting the same weekly for at least three consecutive weeks in some newspaper (if any there be), published in the county town, or if there is no such newspaper, then in the two newspapers published nearest the proposed work. 46 V. c. 18, s. 626.

Power to pass
by-laws acquir-
ing roads, etc.,
lying within
one or more
townships,
etc., and to
levy special
rate for im-
provement
thereof.

633.—(1) A county council may, by by-law, assume or acquire any road, bridge or other public work, lying within or adjacent to one or more townships or incorporated towns or villages, and may, by by-law, raise by way of loan, a sum of money for the improvement of such road, bridge or public work, to be repaid by a special assessment on all the ratable property within the municipalities which shall be immediately benefited by such road, bridge or public work. 46 V. c. 18, s. 627 (1); 49 V. c. 37, s. 34.

Particulars
which are to
be stated in
the by-law.

(2) Such by-law shall state the amount to be raised for such work, and shall define the municipalities forming the portion of the county municipality to be affected by the by-law, and the portion of work to be performed in each municipality, and shall provide for the raising of the said amount by the issue

of debentures of the county, payable in twenty years, or by equal annual instalments of principal, with interest, and shall provide for assessing and levying upon all the ratable property lying within the section defined in such by-law, an annual special rate sufficient for the payment of the principal and interest of the debentures.

(3) The by-law shall, if approved by a majority of the representatives in the county council of the municipalities which are defined in the said by-law, be submitted to the vote of the qualified ratepayers in the portion of said county to be affected by said by-law who are entitled to vote on money by-laws.

By-law to be submitted to electors in portion of county interested.

(4) In case there should be a majority of votes cast against the by-law in any one or more of the municipalities mentioned therein, although the by-law be carried, then the same shall only apply to those municipalities in which it has received a majority of the votes cast, and shall not affect the other municipalities mentioned, in any way, and the amount of money mentioned in the by-law to be raised by way of loan, shall be reduced by the proportionate amount which the said municipality or municipalities, giving a majority of votes against the by-law, would have been required to pay under the by-law.

By-law only to apply to those municipalities in which it has a majority of votes.

(5) In case there should be a majority of votes cast against the by-law in any one or more municipalities mentioned therein, although the by-law be carried, then upon the approval of the majority of the representatives in the county council of the municipalities which have given a majority of votes in favour of the by-law, the same may be read a third time and passed by the county council, or dropped altogether; but in case the by-law is finally passed, only the representatives in the county council of those municipalities giving a majority in favour of the by-law, and to be affected by the same, shall have any voice in reference to the expenditure of the money to be raised thereby.

By-law, if carried in some municipalities only, may be passed or dropped.

(6) In all other respects the voting on the by-laws, and the passing and subsequent proceedings thereon, shall be in accordance with the provisions of this Act. 46 V. c. 18, s. 627 (2-6).

General provisions to apply to voting, etc.

(7) Cities and towns separated from the county may, with the approval of the ratepayers qualified to vote on money by-laws, pass similar by-laws to assist in the purchase of any toll roads, in which the cities or separated towns may be interested, or may pass by-laws abolishing the market fees charged by them, on condition that certain toll roads therein named are made free. 49 V. c. 37, s. 34, *part*.

TITLE IV.—POWERS OF MUNICIPAL COUNCILS AS TO RAILWAYS:

Aiding railways by taking stock, etc. Sec. 634.

When head of Council to be a Director ex-officio. Sec. 635.

Townships may permit Railways to be constructed on high-ways, etc. Sec. 636.

Grouping clauses repealed. Sec. 637.

By-laws may be made for—

634. The council of every county, township, city, town and incorporated village may pass by-laws

Taking stock in certain railways or guaranteeing debentures. 14, 15 V. c. 51, s. 13.
C. S. C. c. 66, ss. 75-78.
Rev. Stat. c. 170, s. 39.

1. For subscribing for any number of shares in the capital stock of, or for lending to, or guaranteeing the payment of any sum of money borrowed by, an incorporated railway company to which section 18 of the statute 14 and 15 Victoria, chapter 51, or sections 75 to 78 inclusive of chapter 66 of the Consolidated Statutes of Canada, or the equivalent sections of *The Railway Act of Ontario*, have been or may be made applicable by any special Act ;

For guaranteeing the payment of debentures, etc.

2. For endorsing or guaranteeing the payment of any debenture to be issued by the company for the money by them borrowed, and for assessing and levying from time to time, upon the whole ratable property of the municipality, a sufficient sum to discharge the debt or engagement so contracted ;

For issuing debentures, etc.

3. For issuing, for the like purpose, debentures payable at such times, and for such sums respectively, not less than \$20, and bearing or not bearing interest, as the municipal council thinks meet ;

Bonuses.

4. For granting bonuses to any railway company in aid of such railway, and for issuing debentures, in the same manner as is in the preceding sub-section provided, for raising money to meet such bonuses ;

Form of debenture.

5. For directing the manner and form of signing or endorsing any debenture so issued, endorsed or guaranteed, and of countersigning the same, and by what officer or person the same shall be so signed, endorsed or countersigned respectively ;

Assent of electors necessary.

But no municipal corporation shall subscribe for stock, or incur a debt or liability, for the purposes aforesaid, unless the by-law, before the final passing thereof, receives the assent of the electors of the municipality in manner provided by this Act. 46 V. c. 18, s. 628. *See also* Cap. 170, s. 39 (3), *and sec.* 320 *ante*.

In certain cases, head of council to be *ex-officio* a director.

635. In case any municipal council subscribes for and holds stock in a railway company under the next preceding section to the amount of \$20,000 or upwards, the head of the council shall be *ex-officio* one of the directors of the company, in addition to the number of directors authorized by the special

Act, and shall have the same rights, powers and duties as the other directors of the company. 46 V. c. 18, s. 629. *See also* Cap. 170, s. 39 (4).

636 The council of every township may pass by-laws for authorizing any railway company, in case such authority is necessary, to make a branch railway on property of the corporation, or on highways, under such conditions as the council sees fit, and subject to the restrictions contained in *The Railway Act of Ontario*, and any other Acts affecting such railway; and may also pass by-laws to authorize companies or individuals to construct tramways and other railways, along any highway, on such terms and conditions as the council sees fit. 46 V. c. 18, s. 630.

By-laws authorizing branch railways, tramways and other railways along highways. Rev. Stat. c. 170.

637 So much of any enactment in private and other Acts, passed on or before the 5th day of March, 1880, as authorizes or provides for the grouping or joining together of municipalities or a municipality, or part of any municipalities or municipality with part of another municipality or parts of other municipalities, for the purpose of granting municipal aid to any railway or railway company, is hereby repealed and declared to be inoperative. 46 V. c. 18, s. 631.

Grouping clauses in railway Acts passed on or before March 5, 1880, repealed.

PART VIII.

POLICE VILLAGES.

DIV. I.—FORMATION OF.

DIV. II.—TRUSTEES, AND ELECTION OF.

DIV. III.—DUTIES OF POLICE TRUSTEES.

DIVISION I.—FORMATION OF.

Existing Villages continued. Sec. 638.

New Police Villages.—how formed. Sec. 639.

638 Until otherwise provided by competent authority, every existing police village shall continue to be a police village, with the boundaries now established. 46 V. c. 18, s. 632.

Existing police villages continued.

New police
villages.

639. On the petition of any of the inhabitants of an unincorporated village, the council or councils of the county or counties within which the village is situate may, by by-law, erect the same into a police village, and assign thereto such limits as may seem expedient. 46 V. c. 18, s. 633.

DIVISION II.—TRUSTEES, AND ELECTION THEREOF.

Existing Trustees continued. Sec. 640.

Trustees three in number. Sec. 641.

Qualification required for. Secs. 642, 643.

Electors, who are. Sec. 644.

Election, where to be held. Secs. 645-647.

Returning Officer, how appointed. Sec. 645.

Election not to be held in a tavern. Sec. 647.

Nomination, how conducted. Secs. 648-650.

Polling, how conducted. Secs. 651-655.

Powers of Returning Officer. Sec. 656.

Tenure of Office. Sec. 657.

Return of Voters' lists, etc. Sec. 658.

Vacancies, how filled. Sec. 659.

Inspecting Trustees, how appointed. Sec. 660.

Present trust-
tees continued.

640. The trustees of every police village existing when this Act takes effect, shall be deemed the trustees respectively of every such village as continued under this Act. 46 V. c. 18, s. 634.

Number of
trustees.

641. The trustees of every police village shall be three in number. 46 V. c. 18, s. 635.

Qualification
of trustees.

642. The persons qualified to be elected police trustees shall be such persons as reside within the police village or within two miles thereof, and are eligible to be elected township councillors, and are qualified in respect of property for which they are rated in such police village to the amount required so to qualify them. 46 V. c. 18, s. 636.

Deficiency in
number of
qualified per-
sons.

643. If there are not six persons qualified under the preceding section, any person entitled to vote at the election may be elected. 46 V. c. 18, s. 637.

Qualification
of electors.

644. Any township elector, rated on the last assessment roll for such property in a police village as entitles him to vote in respect thereof at the municipal election for the township, shall be entitled to vote at the election for police trustees. 46 V. c. 18, s. 638.

645. The council by which a police village is established shall, by the by-law establishing the same, name the place in the village for holding the first election of police trustees, and the returning officer therefor. 46 V. c. 18, s. 639.

Place for holding first election, etc.

646. In a police village, after the first election, the trustees thereof, or any two of them, shall, from time to time, by writing under their hands, appoint the returning officer, and the place or places within such village for holding nominations and elections. 46 V. c. 18, s. 640.

Place for holding subsequent elections, etc.

647. No election of police trustees shall be held in a tavern, or in a house of public entertainment licensed to sell spirituous liquors. 46 V. c. 18, s. 641.

No election to be held in a tavern.

648.—(1) A meeting of the electors shall take place for the nomination of candidates for the offices of police trustees, in each police village, at noon on the last Monday in December, annually, at such place therein as is from time to time fixed by the trustees.

Nomination meeting.

(2) When the last Monday in December happens to be Christmas day, the meeting shall be held on the preceding Friday. 46 V. c. 18, s. 642.

Provision for Christmas day.

649. The returning officer (or, in his absence, a chairman to be chosen) shall preside at such meeting, of which the police trustees shall give at least six days' notice. 46 V. c. 18, s. 643.

Who to preside.

650. If only three candidates are proposed and seconded, the returning officer or chairman shall, after a lapse of one hour, declare such candidates duly elected. 46 V. c. 18, s. 644.

If no more candidates than officers.

651. If more than the necessary number of candidates are proposed, the returning officer or chairman shall adjourn the proceedings until the first Monday in January, when a poll or polls shall be opened for the election, at nine o'clock in the morning, and shall continue open until five o'clock in the afternoon, and no longer. 46 V. c. 18, s. 645.

If more, and poll demanded.

Election.

652. The returning officer or chairman of the meeting shall, on the day following that of the nomination, post up in the office of the clerk of the township, if it is situated in such police village, and if not, then in some other public place in such police village, the names of the persons nominated at such meeting; and shall, if a poll is necessary, demand in writing from the clerk of the township, or clerks of the townships, a list of the names of the persons appearing by the assessment roll to be entitled to vote in the said police village, such as is required to be furnished under the next succeeding section. 46 V. c. 18, s. 646.

Notice of persons proposed, to be posted.

List of voters to be obtained.

Clerk of township to furnish alphabetical list of voters.

653. The clerk of the township, or clerks of the townships in which any police village is situated, shall, at latest on the day previous to the day for opening the poll, deliver to the returning officer of such police village a list of the names, according to the form by law prescribed in the case of other municipal elections, of the persons entitled to vote at township municipal elections, in respect of real property situate, or income received in the said police village, or in the portion thereof in the municipality of such clerk and shall attest the said list by his solemn declaration in writing under his hand. 46 V. c. 18, s. 647.

Except where otherwise provided, same proceedings, etc., to be had as at elections, etc., of councillors, etc.

654. The various sections of this Act relating to the proceedings at the nomination and election of township councillors, including those relating to the questions to be put and oaths to be administered to electors, and as to the appointment of a chairman or returning officer, in case the person appointed is absent, and also the provisions respecting controverted elections and for the prevention of corrupt practices, shall apply and be acted on, unless where a different provision is herein made, in the election of police trustees. 46 V. c. 18, s. 648.

Casting vote.

655. In case a casting vote is required to determine an election, the returning officer, whether otherwise qualified or not, shall give a casting vote for one or more of such candidates, so as to decide the election, and except in such case the returning officer shall not vote at such election. 46 V. c. 18, s. 649.

Powers of returning officer.

656. The returning officer shall have the like powers for the preservation of the peace as are given to returning officers and deputy returning officers at municipal elections. 46 V. c. 18, s. 650.

Term of office.

657. The persons elected shall hold office until their successors are elected or appointed and sworn into office and hold their first meeting. 46 V. c. 18, s. 651.

Returning officer to return ballot papers, etc., to clerk of township, verified under oath.

658. Every returning officer shall, on the day after the close of the poll, return the ballot papers, voters' list and other documents relating to the election, to the clerk of the township in which the village is situated, or in case the village lies in several townships, then to the clerk of the county, verified under oath before such clerk, or before any Justice of the Peace for the county or union of counties in which the village lies, as to the due and correct taking of the votes. 46 V. c. 18, s. 652.

Filling vacancies.

659. In case of a vacancy in the office of a police trustee by death or otherwise, the remaining trustee or trustees shall by writing to be filed with such clerk as aforesaid, appoint a trustee or trustees to supply the vacancy. 46 V. c. 18, s. 653.

660. The trustees of every police village, or any two of such trustees, shall, by writing under their hands, to be filed with the clerk of the township, or in case the village lies in several townships, with the clerk of the county, appoint one of their number to be inspecting trustee. Appointments of inspecting trustees. 46 V. c. 18 s. 654.

DIVISION III.—DUTIES OF POLICE TRUSTEES.

Oaths of office and qualification. Sec. 661.

First meeting of. Sec. 662.

Expenses of, how provided for. Secs 663-666.

Regulations to be enforced by Trustees. Sec. 667.

Prevention of Fire. (1-12)

Gunpowder. (13, 14)

Nuisances. (15)

Penalties. Secs. 668-670.

Neglect of duty by Trustees how punishable. Sec. 669.

Limitation of actions for penalties. Sec. 670.

661. Every police trustee shall take oaths of office and qualification in the same manner and within the time prescribed for township councillors, under like penalties in case of default. Oaths of office and qualification. 46 V. c. 18, s. 655.

662. The trustees of every police village shall hold their first meeting at noon on the third Monday of the same January in which they are elected, or on some day thereafter at noon. When next meeting to be held. 46 V. c. 18, s. 656.

663. The trustees, at any time previous to the first day of June, may require the council of the township or townships in which the police village is situated to cause to be levied along with the other rates, upon the property liable to assessment in such village, such sums as they may estimate to be required to cover the expenditures for that year in respect of matters coming within their duties, and to cover any balance for expenditures incurred during the year then last past, such sum not to exceed one cent in the dollar on the assessed value of such property. Expenditures, how provided for. 46 V. c. 18, s. 657.

664. In case the village is situated in two or more townships, the trustees shall require a proportionate amount from each, according to the value of the property of the village in each township, as shewn by the last equalized assessment rolls. Where village in two or more townships. 46 V. c. 18, s. 658.

Payment of
orders given
by trustees,
etc.

665. The township treasurer shall from time to time, if he has moneys of the municipality in his hands not otherwise appropriated, pay any order given in favour of any person by the inspecting trustee, or by any two of the trustees, to the extent of the amount required to be levied as aforesaid, although the same may not have been then collected. 46 V. c. 18, s. 659.

When orders
may be given.

666. No trustee shall give such order in favour of any person except for work previously actually performed, or in payment of some other executed contract. 46 V. c. 18, s. 660.

Following
regulations to
be enforced :

667. The trustees of every police village shall execute and enforce therein the regulations following :

Prevention of Fire.

For providing
ladders, etc.

1. Every proprietor of a house more than one story high, shall place and keep a ladder on the roof of such house near to or against the principal chimney thereof, and another ladder reaching from the ground to the roof of such house, under a penalty of \$1 for every omission ; and a further penalty of \$2 for every week such omission continues.

Penalty.

Fire buckets,
Penalty.

2. Every householder shall provide himself with two buckets fit for carrying water in case of accident by fire, under a penalty of \$1 for each bucket deficient.

As to furnaces,
etc.

3. No person shall build any oven or furnace unless it adjoins and is properly connected with a chimney of stone or brick at least three feet higher than the house or building in which the oven or furnace is built, under a penalty not exceeding \$2 for non-compliance.

Penalty.

Stove pipes,
etc.

4. No person shall pass a stove-pipe through a wooden or lathed partition or floor, unless there is a space of four inches between the pipe and the wood-work nearest thereto ; and the pipe of every stove shall be inserted into a chimney ; and there shall be at least ten inches in the clear between any stove and any lathed partition or wood-work, under a penalty of \$2.

Penalty.

Lights in
stables, etc.

5. No person shall enter a mill, barn, outhouse or stable, with a lighted candle or lamp, unless well enclosed in a lantern, nor with a lighted pipe or cigar, nor with fire not properly secured, under a penalty of \$1.

Penalty.

Chimneys.

6. No person shall light or have a fire in a wooden house or outhouse, unless such fire is in a brick or stone chimney, or in a stove of iron or other metal, properly secured, under a penalty of \$1.

Penalty.

Securing fire
carried
through
streets, etc.

7. No person shall carry fire or cause fire to be carried into or through any street, lane, yard, garden or other place, without having such fire confined in some copper, iron or tin

vessel, under a penalty of \$1 for the first offence, and of \$2 for every subsequent offence.

8. No person shall light a fire in a street, lane or public place, under a penalty of \$1. Lighting fires on streets, penalty.

9. No person shall place hay, straw or fodder, or cause the same to be placed, in a dwelling-house, under a penalty of \$1 for the first offence, and of \$5 for every week the hay, straw or fodder is suffered to remain there. Hay, straw, penalty.

10. No person, except a manufacturer of pot or pearl ashes, shall keep or deposit ashes or cinders in any wooden vessel, box or thing not lined or doubled with sheet-iron, tin or copper, so as to prevent danger of fire from such ashes or cinders, under a penalty of \$1. Ashes, etc. Penalty.

11. No person shall place or deposit any quick or unslacked lime in contact with any wood of a house, outhouse or other building, under a penalty of \$1, and a further penalty of \$2 a day until the lime has been removed, or secured to the satisfaction of the inspecting trustee, so as to prevent any danger of fire. Lime. Penalty.

12. No person shall erect a furnace for making charcoal of wood, under a penalty of \$5. Charcoal furnaces, Penalty.

Gunpowder.

13. No person shall keep or have gunpowder for sale, except in boxes of copper, tin or lead, under a penalty of \$5 for the first offence, and \$10 for every subsequent offence. Gunpowder, how kept, Penalty.

14. No person shall sell gunpowder, or permit gunpowder to be sold in his house, storehouse or shop, outhouse or other building, at night, under a penalty of \$10 for the first offence, and of \$20 for every subsequent offence. Not to be sold at night, Penalty.

Nuisances.

15. No person shall throw, or cause to be thrown, any filth or rubbish into a street, lane or public place, under a penalty of \$1, and a further penalty of \$2 for every week he neglects or refuses to remove the same after being notified to do so by the inspecting trustee, or some other person authorized by him. Certain nuisances prohibited.

Penalties.

668. The inspecting trustee, or in his absence, or when he is the party complained of, one of the other trustees, shall sue for all penalties incurred under the regulations of police herein.

And before
whom.

Conviction
and levy of
penalty.

established, before a Justice of the Peace having jurisdiction in the village and residing therein, or within five miles thereof; or if there be no such Justice then before any Justice of the Peace having jurisdiction in the village; and the Justice shall hear and determine such complaint in a summary manner, and may convict the offender, upon the oath or affirmation of a credible witness, and cause the penalty, with or without costs, as he may see fitting, to be levied by distress and sale of the goods of the offender, to be paid over to the path-master or path-masters of the division or divisions to which the village belongs, or to such of the said path-masters as the trustees may direct; and such path-master or path-masters shall apply the penalty to the repair and improvement of the streets and lanes of the village, under the direction of the trustees. 46 V. c. 18, s. 663.

Penalty for
breach of duty
by trustees.

669. Any police trustee who wilfully neglects or omits to prosecute an offender at the request of any resident householder of the village offering to adduce proof of an offence against the regulations of police herein established, or who wilfully neglects or omits to fulfil any other duty imposed on him by this Act, shall incur a penalty of \$5. 46 V. c. 18, s. 664.

When prosecu-
tions to be
commenced.

670. The penalties prescribed by the next preceding section, or by that for the establishment of regulations of police, shall be sued for within ten days after the offence has been committed or has ceased, and not subsequently. 46 V. c. 18, s. 665.

CONFIRMING AND SAVING CLAUSES.

Exceptions
from repeal.

Boundaries of
cities and
towns.

Amherst-
burgh.

Proclama-
tions.

Special Acts.

671. Nothing herein contained shall be taken or construed to affect or repeal so much of the schedules in either of the Municipal Corporation Acts of 1849 and 1850 as defines the limits or boundaries of any cities or towns, being Schedule B of the Act of 1849, numbers 2, 3, 4, 6, 7, 8, 9, 10 and 11, and Schedule C of the same Act, numbers 1, 2 and 3, and Schedule B of the Act of 1850, numbers 1, 5, 12, 13, 14 and 15; and also so much of Schedule D of the said Acts of 1849 and 1850 as relates to Amherstburgh, and also so much of section 203 of the said Act of 1849, and so much of any other sections of either of the said Acts relating to any of the schedules thereof as have been acted upon, or as are in force and remain to be acted upon at the time this Act takes effect, and all proclamations and special statutes by or under which cities and other municipalities have been erected, so far as respects the continuing the same and the boundaries thereof, shall continue in force. 46 V. c. 18, s. 666.

672. Nothing herein contained shall affect *The Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing, Thunder Bay and Rainy River.* 46 V. c. 18, s. 667. Rev. Stat. c. 185, not affected.

SCHEDULE A.

(Section 123.)

FORM OF BALLOT PAPER.

(1. *In the case of Cities.*)

FORM FOR MAYOR.

Election for the Members
of the Municipal Council
of the City of
Ward No. , Polling
Subdivision No. ,
day of January, 18 .

FOR MAYOR.

ALLAN.

Charles Allan, King Street,
City of Toronto, Merchant.

BROWN.

William Brown, City of
Toronto, Banker.

FORM FOR ALDERMAN.

Election for the Members of the
Municipal Council of the City
of , Ward No. , Polling
Subdivision No. ,
January, 18 .

FOR ALDERMAN.

ARGO.

James Argo, City of Toronto,
Gentleman.

BAKER.

Samuel Baker, City of To-
ronto, Baker.

DUNCAN.

Robert Duncan, City of To-
ronto, Printer.

(2. *In the case of Towns divided into Wards.*)

FORM FOR MAYOR, REEVE AND DEPUTY REEVE.



Ward

Election for the Members of the Municipal Council of the Town of

No. , Polling Subdivision No.

day of January, 18

FOR MAYOR.

THOMPSON.Jacob Thompson of the Town
of Barrie, Merchant.

X

WALKER.Robert Walker, of the Town
of Barrie, Physician.**BROWN.**John Brown, of the Town of
Barrie, Merchant.**ROBINSON.**George Robinson, of the Town
of Barrie, Merchant.

X

ARMOUR.Jacob Armour, of the Town of
Barrie, Pumpmaker.**BOYD.**Zachary Boyd, of the Town of
Barrie, Tinsmith.

X

FOR DEPUTY REEVE
(if any).

FORM FOR COUNCILLORS.

Election for the Members of the Municipal Council of the
Town of , Ward No. , Polling
Subdivision No.

day of January, 18

FOR COUNCILLOR.

BULL.John Bull, of the Town of Barrie,
Butcher.


X

JONES.Morgan Jones, of the Town of
Barrie, Grocer.**McALLISTER.**Allister McAllister, of the
Town of Barrie, Tailor.**O'CONNELL.**Patrick O'Connell, of the Town
of Barrie, Milkman.

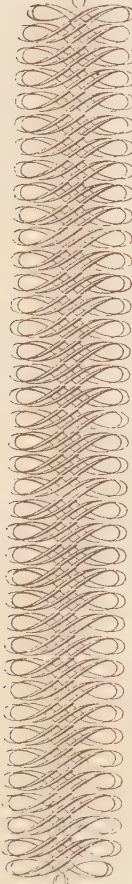
X

(3. *In the case of Townships divided into Wards.*)


FORM FOR REEVE.

| | | | |
|--|---|------------|--|
|  | Election of Members of the Municipal Council of the Township of _____, in the County of _____, Ward No. _____, day of January, 18 ____ | FOR REEVE. | BARDELL. Thomas Bardell, of the Town- ship of Peel, Yeoman. |
| | | | SNODGRASS. Alfred Snodgrass, of the Town- ship of Peel, Yeoman. |

FORM FOR COUNCILLORS.

| | | | |
|---|--|-----------------|--|
|  | Election of Members of the Municipal Council of the Township of _____, in the County of _____, Ward No. _____, day of January, 18 ____ | FOR COUNCILLOR. | BULL. John Bull, of the Township of York, Doctor of Medicine. |
| | | | JONES. Morgan Jones, of the Town- ship of York, Farmer. |
| | | | McALLISTER. Allister McAllister, of the Town- ship of York, Farmer. |
| | | | O'CONNELL. Patrick O'Connell, of the Town- ship of York, Lumber Merchant. |
| | | | RUAN. Malachi Ruan, of the Town- ship of York, Farmer. |
| | | | SCHULTZE. Gottfried Schultze, of the Town- ship of York, Farmer. |
| | | | WASHINGTON. George Washington, of the Township of York, Gentleman. |

(4. *In the case of Incorporated Villages and Townships not divided into Wards.*)

| | | |
|--|--|---|
|  | , in the County of | |
| | Election of Members of the Municipal Council of the Village (or Township of , Polling subdivision No. day of January, 18 | |
| | FOR REEVE. | BROWN. John Brown, of the Village of Weston, Merchant. |
| FOR DEPUTY REEVE. (if any). | ROBINSON. George Robinson, of the Vil- lage of Weston, Physician. | |
| | ARMOUR. Jacob Armour, of the Village of Weston, Pumpmaker. | |
| FOR COUNCILLOR. | BOYD. Zachary Boyd, of the Village of Weston, Tinsmith. | |
| | BULL John Bull, of the Village of Weston, Butcher. | |
| | JONES. Morgan Jones, of the Village of Weston, Grocer. | |
| | McALLISTER. Allister McAllister, of the Vil- lage of Weston, Tailor. | |
| | O'CONNELL. Patrick O'Connell, of the Vil- lage of Weston, Milkman. | |

NOTE.—In any case where there are two or more Deputy Reeves, the ballot paper will make provision accordingly, naming them as first Deputy Reeve, second Deputy Reeve, etc.

SCHEDULE B.

(Sections 126 and 146.)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross, thus X, on the right hand side, opposite the name or names of the candidate or candidates for whom he votes, or at any other place within the division which contains the name or names of such candidate or candidates.

The voter will then fold up the ballot paper so as to shew the name or initials of the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) signed on the back, and leaving the compartment will, without shewing the front of the paper to any person, deliver such ballot so folded to the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) and forthwith quit the polling place.

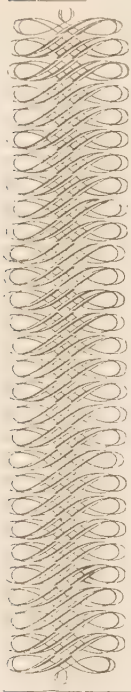
If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter votes for more candidates for any office than he is entitled to vote for, his ballot paper will be void so far as relates to that office, and will not be counted for any of the candidates for that office.

If the voter places any mark on the paper by which he may afterwards be identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the officer, he will be subject to imprisonment for any term not exceeding 6 months, with or without hard labour.

In the following forms of Ballot Paper, given for illustration, the Candidates are, for Mayor, JACOB THOMPSON and ROBERT WALKER; for Reeve, JOHN BROWN and GEORGE ROBINSON; for Deputy Reeve, JACOB ARMOUR and ZACHARY BOYD; and for Councillors, JOHN BULL, MORGAN JONES, ALLISTER MCALLISTER and PATRICK O'CONNELL; and the elector has marked the first paper in favour of JACOB THOMPSON for Mayor, GEORGE ROBINSON for Reeve, and ZACHARY BOYD for Deputy Reeve, and has marked the second paper in favour of JOHN BULL and PATRICK O'CONNELL for Councillors:



Election for the Members of the Municipal Council of the Town of
Polling Subdivision No. ,
Ward No. ,
day of January, 18

FOR MAYOR.

THOMPSON.

Jacob Thompson, of the Town of Barrie, Merchant.

X

WALKER.

Robert Walker, of the Town of Barrie, Physician.

BROWN.

John Brown, of the Town of Barrie, Merchant.

ROBINSON.

George Robinson, of the Town of Barrie, Merchant.

X

ARMOUR.

Jacob Armour, of the Town of Barrie, Pumpmaker.

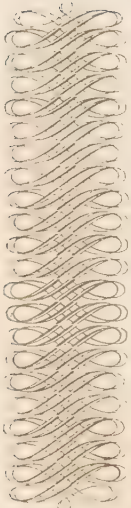
BOYD.

Zachary Boyd, of the Town of Barrie, Tinsmith.

X

FOR REEVE
(if any).

FOR DEPUTY REEVE
(if any).



Election for the Members of the Municipal Council of the Town of
Polling Subdivision No. ,
Ward No. ,
day of January, 18

FOR COUNCILLOR.

BULL.

John Bull, of the Town of Barrie, Butcher.

X

JONES.

Morgan Jones, of the Town of Barrie, Grocer.

McALLISTER.

Allister McAllister, of the Town of Barrie, Tailor.

O'CONNELL.

Patrick O'Connell, of the Town of Barrie, Milkman.

X

SCHEDULE C.

(Sections 129, 130, 131, 132 and 303).

FORM IN WHICH THE VOTERS' LIST TO BE FURNISHED TO DEPUTY RETURNING OFFICERS IS TO BE PREPARED.

| Column for mark indicating that the voter has voted. | NAMES OF THE VOTERS. | | | Description of Pro- perty in respect of which the voter is entitled to vote. | Freeholder, House- holder, Tenant, Farmer's Son, or Income Voter. | Residence of voter. | Objections. | Sworn or affirmed. | Refusal to swear or affirm. | Mayor and Reeve. | Councillor. | REMARKS. |
|---|----------------------|--|--|---|--|---------------------|-------------|--------------------|--------------------------------|------------------|-------------|----------|
| | | | | | | | | | | | | |

NOTE.—In Cities, the column above headed "Mayor and Reeve" will be headed "Mayor," and the column above headed "Councillors" will be headed "Aldermen." In Townships and Villages, the column above headed "Mayor and Reeve" will be headed "Reeve."

46 V. c. 18, *Sched. C.*

SCHEDULE D.

(Section 135.)

CERTIFICATE AS TO ASSESSMENT ROLL.

Election to the Municipal Council of the
of 18

I, A. B., Clerk of the Municipality of _____, in the County
 of _____, do hereby certify that the assessment roll for this
 Township (or as the case may be) of _____ upon which the voters'
 list to be used at this election is based, was returned to me by the Assessor
 for said Township (or as the case may be) on the _____ day of
 _____, 18 _____, and that the same was finally revised and cor-
 rected on the _____ day of _____, 18 _____.

Dated this _____ day of _____, 18 _____.

A. B.,
 Clerk.

46 V. c. 18, Sched. D.

SCHEDULE E.

(Section 149.)

FORM OF DECLARATION OF INABILITY TO READ, ETC.

I, A. B., of _____, being numbered _____ on the voters' list, for
 polling subdivision No. _____, in the City (or as the case may be) of
 and County of _____, being a legally qualified elector for the said City
 (or as the case may be) of _____, do hereby declare that I am unable to
 read (or that I am from physical incapacity unable to mark a voting paper,
 as the case may be).

(A. B. His X mark.)

The _____ day of _____, A. D. 18 _____.

46 V. c. 18, Sched. E.

SCHEDULE F.

(Section 149.)

FORM OF ATTESTATION CLAUSE TO BE WRITTEN UPON OR ANNEXED TO THE
DECLARATION OF INABILITY TO READ, ETC.

I, C. D., the undersigned, being the Deputy Returning Officer for poll-
 ing subdivision No. _____, for the City (or as the case may be) of _____, do
 hereby certify that the above (or as the case may be) declaration, having
 been first read to the above-named A. B., was signed by him in my pre-
 sence with his mark.

(Signed) C. D.,

Deputy Returning Officer for Polling Sub-
 Division No. _____, in the City (or
 as the case may be) of _____.

Dated this _____ day of _____, A. D. 18 _____.

46 V. c. 18, Sched. F.

SCHEDULE G.

(Sections 155, 315 and 316.)

OATH OF DEPUTY RETURNING OFFICER AFTER THE CLOSING OF THE POLL.

I, *C. D.*, the undersigned Deputy Returning Officer for polling subdivision No. _____, of the City (*or as the case may be*) of _____, in the County of _____, do solemnly swear (*or if he is a person permitted by law to affirm, do solemnly affirm*) that to the best of my knowledge the annexed voters' list used in and for the said polling subdivision No. _____ of the said City (*or as the case may be*) was so used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

(Signed) *C. D.*,
Deputy Returning Officer.

Sworn (*or affirmed*) before me at _____, this _____ day of _____, A. D. 18 _____.

(Signed) *X. Y.*,
Justice of the Peace.

Or A. B.,
Clerk of the Municipality of _____.

NOTE.—*The foregoing oath is to be annexed to the voters' list used at the election.*

46 V. c. 18, Sched. G.

SCHEDULE H.

(Section 170.)

FORM OF STATUTORY DECLARATION OF SECRECY.

I, *A. B.*, solemnly promise and declare that I will not at this election of members of the Municipal Council of the City (*or as the case may be*) of _____, disclose to any person or persons the name of any person who has voted, and that I will not in any way whatsoever unlawfully attempt to ascertain the candidate or candidates for whom any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same; and I will keep secret all knowledge which may come to me of the person for whom any elector has voted.

Made and declared before me at _____, this _____ day of _____, A. D. 18 _____.

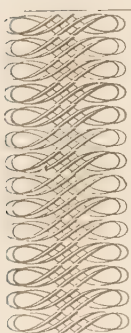
C. D.,
Justice of the Peace (*or Clerk*
of the Municipality of _____).

46 V. c. 18, Sched. H.

SCHEDULE J.

(Section 295.)

FORM OF BALLOT PAPER.

| | | |
|---|--|----------------------------|
|  | 18 Voting on By-law to (here insert object of the By-law), submitted to the of Council of the | FOR The By-law. |
| | | AGAINST The By-law. |

46 V. c. 18. Sched. J.

SCHEDULE K.

(Sections 298 and 300.)

I, the undersigned, *A. B.*, solemnly declare that I am a ratepayer of the Township (or as the case may be) of (*The Municipality the Council of which proposed the By-law*), and that I am desirous of promoting (or opposing, as the case may be) the passing of the By-law to (*here insert object of the By-law*), submitted to the Council of said Township (or as the case may be).

(Signature) *A. B.*

Made and declared before me this _____ day of
 A. D. 18 ____

C. D.,
 Head of Municipality.

46 V. c. 18. Sched. K.

SCHEDULE L.

(Section 307).

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross (thus X) on the right hand side, in the upper space if he votes for the passing of the by-law, and in the lower space if he votes against the passing of the by-law.

The voter will then fold up the ballot paper so as to shew the name or initials of the Deputy Returning Officer (or Returning Officer, as the cas

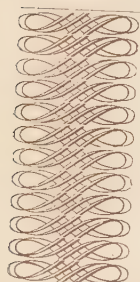
may be) signed on the back, and leaving the compartment will, without shewing the front of the paper to any person, deliver such ballot so folded to the Deputy Returning Officer (or Returning Officer, as the case may be) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (or Returning Officer, *as the case may be*), who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter places on the paper more than one mark, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the Deputy Returning Officer, (or Returning Officer, *as the case may be*), he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

In the following form of Ballot Paper, given for illustration, the Elector has marked his ballot paper in favour of the passing of the By-law:



Voting on By-law to (*here insert object of the by-law*) submitted to the Council of the
of

FOR

The By-law.

X

AGAINST

The By-law.

46 V. c. 18, *Sched. L.*

SCHEDULE M.

(Section 322.)

FORM OF STATUTORY DECLARATION OF SECRECY.

I, A. B., solemnly promise and declare that, at the voting on the by-law submitted to the electors by the Council of the Township (or as the case may be) of _____ (and the voting on which has been appointed for this day), I will not attempt in any way whatsoever unlawfully to ascertain the manner in which any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same; and I will keep secret all knowledge which may come to me, of the manner in which any elector has voted.

Made and declared before me at _____, this _____ day of _____, A.D. 18____.

, A.D. 18

C.D.,

Justice of the Peace (or Clerk
of the Municipality of

).

46 V. c. 18, *Sched. M.*

CHAPTER 185.

An Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing, Thunder Bay and Rainy River.

ORGANIZATION OF TOWNSHIPS :

Area and population required,
s. 1.

Preliminary meeting, ss. 2-5.

Election of first Council, ss.
6-16.

Appointment of Clerk, etc., s.
17.

POWERS OF COUNCIL :

General powers, ss. 18, 19.

As to assessment, ss. 20, 21.

Assessment appeals, ss. 22-28.

Assessments after the first, s.
29.

Collection of taxes, ss. 30, 31.

Arrears of taxes, s. 32.

Sale of lands, s. 33.

Liquor licenses, s. 34.

Licensing auctioneers, etc., s.
35.

Constables, s. 36.

Lock-up houses, s. 37.

Other powers, s. 38.

ELECTIONS AND COUNCILS AFTER THE FIRST :

Voters' qualification, s. 39.

Councillors' qualification, s. 40.

Election how conducted, s. 41.

Nomination meeting, ss. 42-44.

Polling, s. 45.

Tenure of office, s. 46.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Municipalities
may be
organized.

1.—(1) The inhabitants of any township in any of the districts of Algoma, Muskoka, Parry Sound, Nipissing, Thunder Bay and Rainy River, having a population of not less than 100 persons, may organize themselves into a township municipality, and the inhabitants of any locality in any of the said districts not exceeding in area 20,000 acres not surveyed into a township or townships, and having a population of not less than 100 persons, may likewise organize themselves into a township municipality. 47 V. c. 33, s. 1; 48 V. c. 20, s. 7, Preamble and Sched.

Union town-
ship muni-
cipalities may
be organized.

(2) Provided always that any number of townships in the District of Rainy River, having in the aggregate at least 100 inhabitants, may organize themselves into a union township municipality, although the population of any one of the said

townships may not amount to one hundred persons, and the proceedings for the purposes of such organization, and all other purposes mentioned in this Act, shall, as nearly as may be practicable, be the same as are hereinafter provided for in respect of the organization of an individual township municipality, and all rights, privileges, and powers conferred upon or granted to individual municipalities organized thereunder shall extend and be applicable to such union township municipality, provided that any township forming part of such union municipality having at any time after the formation thereof a population of not less than one hundred persons may withdraw from such union, and the inhabitants thereof may organize themselves into an individual township municipality in the same manner and for all purposes under this Act, as if such township had not formed part of a union township municipality, and on such withdrawal the assets and liabilities of such township shall be determined, borne and paid in like manner as is directed by the provisions of *The Municipal Act* in regard to the withdrawal or separation of municipalities. 50 V. c. 30, s. 1. Rev. Stat. c. 184.

2. In order to constitute and establish a municipality as above provided, it shall be lawful for the District Judge in Algoma and in that part of Thunder Bay not included within Rainy River, and in Rainy River or any other of the said districts, for the Stipendiary Magistrate of the district in which such locality is situate, upon the receipt of a petition in which the limits of the proposed municipality are defined, and signed by not less than thirty inhabitants of such locality, to call a meeting by public notice of said inhabitants, to consider the expediency of erecting a municipality. *R. S. O. 1877, c. 175, s. 2; 50 V. c. 8, Sched.* Judge or Stipendiary Magistrate, upon petition, to call a public meeting to form Municipality.

3. Before the Judge or Stipendiary Magistrate calls said meeting, it shall be the duty of those petitioning for the municipality, to deposit with him a sum sufficient to meet the expense of the meeting, as also of the election to be held, as hereinafter provided. *R. S. O. 1877, c. 175, s. 3.* Petitioners to make a deposit to meet expenses of the meeting and election.

4. The Judge or Stipendiary Magistrate shall name some fit and competent person to preside at the meeting, who shall forthwith report the result of the same, with the votes given thereat, to the Judge or Stipendiary Magistrate, under oath, which may be administered by any Justice of the Peace. *R. S. O. 1877, c. 175, s. 4.* Judge or Magistrate to appoint chairman.

5. Upon receiving the report of the meeting for the establishment of a municipality, the Judge or Stipendiary Magistrate shall fix a time and place for holding the first election in the proposed municipality, and shall, in the notice providing for the election, name the returning officer who shall preside Judge or Magistrate to provide for first election.

thereat: but no such municipality shall be established unless at such meeting at least thirty freeholders or householders have voted in favour thereof. R. S. O. 1877, c. 175, s. 5.

Council, of
what officers
composed.

6. The officers to be elected at the said election shall be one reeve and four councillors, who shall have the same qualification as voters, and shall constitute the council of the township, the reeve being the head thereof. R. S. O. 1877, c. 175, s. 6.

Qualification
of voters.

7. The persons qualified to vote at the election shall be male British subjects of the full age of twenty-one years, being householders resident in the locality proposed to be organized into a municipality. R. S. O. 1877, c. 175, s. 7.

Nomination.

8. At the time and place appointed by the Judge or Stipendiary Magistrate under section 5 of this Act, the nomination of candidates shall be made in the manner provided in respect to the nomination of candidates at municipal elections. R. S. O. 1877, c. 175, s. 8.

Election by
acclamation.

9. In case no more persons are nominated than are required to be elected, the returning officer shall declare such persons to be elected. R. S. O. 1877, c. 175, s. 9.

Notice of time
and place of
holding poll.

10. In case a poll is required the returning officer shall adjourn the proceedings until the same day of the following week, and shall declare the place at which a poll will be opened in the locality, and shall forthwith post up in at least six of the most public and conspicuous places in the locality, a notice declaring that a poll will be held at such time and place. R. S. O. 1877, c. 175, s. 10.

Poll book and
how filled up.

11. The returning officer shall, previous to the opening of the poll, procure a poll book, and he shall enter in such book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election and shall, in each column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name. R. S. O. 1877, c. 175, s. 11.

Casting vote.

12. In case a casting vote is required to determine an election, the returning officer, whether otherwise qualified or not, shall give a casting vote for one or more of the candidates, so as to decide the election, and except in such case, the returning officer shall not vote at any such election. R. S. O. 1877, c. 175, s. 12.

Term of office
of first mem-
bers of
council.

13. The persons elected shall hold office until their successors are elected, or appointed and sworn into office, and hold their first meeting. R. S. O. 1877, c. 175, s. 13.

14. The following shall be the oath to be administered to each of the voters at such election :

You swear (or solemnly affirm) that you are *A. B.* ;

That you are a subject of Her Majesty by birth (or naturalization) ;

That you are of the full age of twenty-one years ;

That you are a householder in the locality now proposed to be organized into a Municipality ;

That you have not received anything nor has anything been promised you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election :

So help you God.

R. S. O. 1877, c. 175, s. 14.

15. After the election, the returning officer shall return to the Judge or Stipendiary Magistrate the result of the same, and the Judge or Stipendiary Magistrate shall, as soon as may be convenient thereafter, by public notice, declare the names of the persons so elected, who shall forthwith enter upon the duties of their office : and the municipality shall from thenceforth be known as "The Corporation of the Municipality of _____, in the District of _____" and the said reeve and councillors shall hold and continue in office until their successors are elected, as hereinafter provided. R. S. O. 1877, c. 175, s. 15.

16. The first meeting of the council shall be held at a time and place to be fixed by the Judge or Stipendiary Magistrate. R. S. O. 1877, c. 175, s. 16.

17. The council shall at their first meeting, or as early as possible thereafter, appoint a clerk, treasurer and collector, who shall hold office until removed or dismissed by the council : and the council shall also fix the remuneration to be paid said officers, by by-law to be passed for that purpose. The clerk shall, within six days after his appointment, transmit to the Provincial Treasurer notice of the formation of the municipality with a description of its boundaries or limits. R. S. O. 1877, c. 175, s. 17 ; 50 V. c. 29, s. 55.

POWERS OF COUNCILS.

18. The council of every municipality in any of the said districts, whether incorporated under this Act or otherwise, shall have power to pass by-laws for such purposes as are from time to time authorized to be passed by the councils of townships : and the provisions relating to townships and their

officers of any Municipal Act from time to time in force, shall apply to such municipalities except where inconsistent with the special provisions of the Act under which the municipality was incorporated or this Act. 48 V. c. 41, s. 1.

Power to pass by-laws as to matters named in Rev. Stat. c. 184, s. 489 (47-49) and s. 496 (5, 11-25, 27, 28 and 34).

19. The council of every such municipality shall also have power to pass by-laws in respect of the several matters named in sub-sections 47 to 49 of section 489, and in sub-sections 5, 11 to 25, 27, 28 and 34 of section 496 of *The Municipal Act*. Any such by-law may, at the option of the council, be operative throughout the municipality or only within certain defined parts thereof. 48 V. c. 41, s. 2.

Assessors to be appointed to enter in assessment rolls,

Freeholders and householder ;

20. The council shall, as early as convenient after their first meeting, appoint one or more assessors, who shall enter upon a roll to be provided for that purpose :

1. The names of all the freeholders and householders in the municipality, stating at the same time on the roll the amount of all the real and personal property owned by such persons respectively, and the actual value thereof, and whether the owners are resident or not ;

Persons taxable for income,

2. The names of all persons liable to taxation for income, or who, though exempt from taxation have required their names to be entered on the said roll, in respect of such income, stating at the same time the amount of such income :

Farmers' sons, Rev. Stat. c. 193.

3. The names of all farmers' sons entitled to be assessed under the provisions of *The Assessment Act* ;

Notice of assessment,

and the said assessor or assessors shall duly notify the person or persons so assessed by leaving a notice at his or her place of abode, or if a non-resident, by leaving the same at the nearest post-office, stating in such notice the particulars of said assessment. R. S. O. 1877, c. 175, s. 19.

Rolls to be returned to Clerk.

21. The said roll shall be returned to the clerk of the municipality within such time as may be provided for by any by-law passed by the council. R. S. O. 1877, c. 175, s. 20.

Appeal against assessment.

22. The person or persons so assessed, if he complains of his assessment, shall, within one month after the time fixed for returning the roll, give to the clerk written notice of his grounds of complaint. R. S. O. 1877, c. 175, s. 21.

Council to hear and determine appeals.

23. The council shall, within two months after the time fixed for returning the roll, appoint a time and place for hearing said complaints, as a Court of Revision, and shall, after hearing the parties complaining, as well as the assessor or assessors, and such evidence as may be adduced, alter or amend the roll accordingly. R. S. O. 1877, c. 175, s. 22.

24.—(1) An appeal may be had from the decision of the council in that behalf upon any complaint in respect of the said assessment or any subsequent assessment in the same manner as to the County Judge in other municipalities, and the decision of the Stipendiary Magistrate shall be final, and this appeal shall extend to any assessment for the municipality as well as to the first assessment. R. S. O. 1877, c. 175, s. 23; 46 V. c. 23, s. 1.

Appeal from the Council to Stipendiary Magistrate.

(2) Subject to the provisions of section 76 of *The Assessment Act*, such appeals in respect of an assessment in any municipality in the district of Algoma, or in that part of the district of Thunder Bay, not included in the Rainy River district, shall be to the District Judge, and in any municipality in any of the districts of Muskoka, Parry Sound, Nipissing and Rainy River, shall be to the Stipendiary Magistrate of the district, and such appeal shall lie whether the municipality was organized under any general Act relating to municipal institutions in the said districts, or was incorporated otherwise. 49 V. c. 19, s. 5.

Appeals under Assessment Act. Rev. Stat. c. 193.

25.—(1) If for any reason the decision of the Court of Revision is not given six weeks before the time limited for the return of the roll by the Judge or Stipendiary Magistrate in case of an appeal to him, then the time for the return of such roll by the Judge or Stipendiary Magistrate shall be six weeks from the day when the decision of the Court of Revision is given.

Time for appealing where decision of Court of Revision delayed.

(2) The Judge or Stipendiary Magistrate may, note upon the roll that any assessment in respect of which an appeal is pending before him is undecided, and may return such roll to be acted upon in respect of the assessments which are concluded; and the said Judge or Magistrate shall thereafter certify to the clerk of the municipality his decision as to such appeal; and such certificate, whether given before or after the expiration of the said six weeks, shall have the like effect as if his decision were entered upon the roll by the said Judge or Magistrate. 46 V. c. 23, s. 2.

26. Notice of appeal shall, in all cases of appeal, be left with the clerk of the Division Court of the division in which such municipality is situated, and copies thereof shall also be left with the clerk of the municipality; and such notice shall be so given and left within the time, and the said clerks respectively shall, with regard to such appeal, perform all the duties and matters in the manner in that behalf required by law in the case of a like appeal to the County Judge as aforesaid. R. S. O. 1877, c. 175, s. 24.

Notice of appeal.

27. The Judge or Stipendiary Magistrate shall have the like powers and shall perform the like duties in respect of such appeals as are performed by the County Judge in like case in other municipalities. R. S. O. 1877, c. 175, s. 25.

Powers of Stipendiary Magistrate.

Revised roll to be the roll of the municipality.

28. The said roll when finally revised by the council, or by the Judge or Stipendiary Magistrate in case of appeal, shall be taken and held as the roll of the municipality, for all purposes, until a new roll has been made as hereinafter provided. R. S. O. 1877, c. 175, s. 26.

Council to fix time for making assessment.

29. The council shall, by by-law, fix the time for making the subsequent assessments in the municipality at periods of not less than one nor more than three years: and the year for the purposes of this Act shall be considered as commencing on the 1st day of January thereof. R. S. O. 1877, c. 175, s. 27.

Council to levy rate.

30. The council may, in each year after the final revision of the roll, pass a by-law for levying a rate on all the real and personal property on said roll, of not more than two cents on the dollar, to provide for all the necessary expenses of the municipality, and also such sum or sums as may be found expedient for the purposes mentioned in section 19 of this Act. R. S. O. 1877, c. 175, s. 28.

Expenditure of taxes in township unions in Rainy River.

31.—(1) All municipal taxes except for debenture debt levied in any township in a union formed in the District of Rainy River shall, excepting ten per centum thereof, and the costs of collection, be expended within the township in which the same are levied, on roads, bridges, and other works of the same kind, necessary for opening up and settling the said township.

Ten per cent. to be for general purposes.

(2) The council of the said union shall be at liberty to retain and appropriate for the general and other expenses of the municipality the reservation of ten per centum and the expense of collection. 50 V. c. 30, s. 2.

The Collector, his returns and powers.

Rev. Stat. c. 193.

32. The council shall, by by-law, fix the time for the collector making his return, and the collector shall have the same powers as are conferred on collectors by *The Assessment Act*. R. S. O. 1877, c. 175, s. 29.

Collection of arrears of taxes and sales of land for taxes in certain districts, etc., provided for.

33. Arrears of taxes due to any municipality in any of the said districts, shall be collected and managed in the same way as like arrears due to municipalities in counties; and the treasurer and reeve of such municipality shall perform the like duties in the collection and management of arrears of taxes as in counties are performed by the treasurers and wardens thereof; and the various provisions of law relating to sales of land for arrears of taxes or to deeds given therefor, shall, unless otherwise provided by this Act, apply to the said municipalities and to sales of land therein for arrears of taxes due thereon and to deeds given therefor. 43 V. c. 28, s. 1.

Mode and time of sale for arrears of taxes.

34. No sale of any lands for taxes shall take place in any such municipality formed as aforesaid, except during the months of July, August, September or October; and the advertisement

of the proposed sale, which under sections 164 and 165 of *The Assessment Act* is required to be published in the *Ontario Gazette* and in a local newspaper, shall, when lands are to be sold in any such municipality for arrears of taxes, be published also once a week, for at least four weeks, in such newspaper published in the city of Toronto as the Lieutenant-Governor in Council may designate. R. S. O. 1877, c. 175, s. 31.

Notices, time for.
Rev. Stat. c. 193, ss. 164-165.

35. The council of any municipality formed under this Act shall have the like authority in respect to taverns and shops within the municipality and the licenses therefor as the councils of townships possess under *The Liquor License Act*. R. S. O. 1877, c. 175, s. 32.

Council to regulate tavern licenses.
Rev. Stat. c. 194.

36. Except in the cases of townships and villages attached or belonging to a county for municipal purposes, the councils of townships and incorporated villages in provisional judicial, temporary judicial, and territorial districts shall have power to pass by-laws for the purposes mentioned in sub-sections 2 and 3 of section 495 of *The Municipal Act*. R. S. O. 1877, c. 175, s. 33.

Townships and Villages in Districts to have power to license auctioneers, etc.
Rev. Stat. c. 184, s. 495 (2) & (3).

37. The council shall have the power to appoint one or more constables within the municipality, whose duty it shall be to enforce and maintain law and order; and who shall perform all duties appertaining to constables; and the said council shall have power, from time to time, to remove the same, for any misconduct in their office, and shall also regulate the fees to be paid said constables: but such appointment and tariff of fees shall be subject to the approval and ratification of the Stipendiary Magistrate of the said district. R. S. O. 1877, c. 175, s. 34.

Appointment and removal of constables.
Fees to constables.

38. The said council may establish and maintain a lock-up house within the municipality, and may establish and provide for the salary or fees to be paid the constable to be placed in charge of such lock-up house: but the appointment of said constable shall be ratified by the Stipendiary Magistrate of the district; and the said council shall have power to remove or suspend such constable for neglect of duty or other misconduct. R. S. O. 1877, c. 175, s. 35.

Council may establish a lock-up house.
Appointment of a constable thereto.

39. In addition to the powers conferred upon said township or village municipalities by this Act, the following sections of *The Municipal Act*, shall be applicable to the said municipalities, so far as they can be adapted to the same, viz: sections 245, 247, 248, 249, 250, 258, 263, 265, 266, 270, 271, 272, 273, 274, 275, 277, 289, 291, 329, 330, 331, 332, 333, 334, 338, 339, 348, 414, 419, 421, 422, 423, 479, 527 and 531. R. S. O. 1877, c. 175, s. 36.

Certain sections of Rev. Stat. c. 184, to apply.

ELECTIONS AFTER THE FIRST.

Who qualified to vote. **40.** The persons qualified to vote at every election after the first shall be :

Real property. 1. Every male freeholder and resident householder whose name appears in the revised assessment roll upon which the voters' list used at the election is based, for said municipality, and who is of the full age of 21 years, and a naturalized or natural-born subject of Her Majesty ;

Income. 2. Every male person who resides at the time of the election in the municipality in which he tenders his vote, and has resided therein continuously since the completion of the last revised assessment roll of the municipality, and derives an income from some trade, calling, office or profession of not less than \$400 annually, and is assessed for such income in and by the revised assessment roll of the municipality, upon which the voters' list used at the election is based, and possesses the qualifications required by law other than in respect of property ;

Farmers' sons. 3. Every person who is a farmer's son within the meaning of *The Municipal Act*, and entitled as such to vote at municipal elections, under the provisions of said Act. R. S. O. 1877, c. 175, s. 37.

Qualifications of Councillor. **41.**—(1) The persons qualified to be elected as members of the council in any municipality after said first election, shall, in addition to the qualification required for voters, be assessed in the said assessment roll for at least \$200 freehold or \$400 leasehold. R. S. O. 1877, c. 175, s. 38.

Disqualification. (2) Section 77 of *The Municipal Act* shall apply to members of a municipal council to be elected under this Act. 42 V. c. 31, s. 3.

Place and conduct of election. **42.** All elections after the first shall be conducted in the same manner as is provided for municipal elections in townships in Ontario, except so far only as otherwise enacted by this Act. R. S. O. 1877, c. 175, s. 39.

Nomination of Reeve and Councillors. **43.** A meeting of the electors shall take place for the nomination of candidates for the offices of reeve and councillors of the municipalities formed in accordance with the provisions of this Act, on the last Monday in December, annually, at such place therein as may from time to time be fixed by by-law of the council. R. S. O. 1877, c. 175, s. 40.

Nomination day falling on Christmas Day. **44.** When the last Monday in December happens to be Christmas Day, the nomination of candidates for the office of reeve and councillors in each of the said municipalities, shall take place on the preceding Friday, at the times and places, and in the manner prescribed by law. R. S. O. 1877, c. 175, s. 41.

45. The clerk of the municipality shall preside at the meeting for the nomination of candidates for the offices of reeve and councillors for such municipality, and shall be the returning officer at all elections after the first election. R. S. O. 1877, c. 175, s. 42.

Clerk to preside at nomination.
Returning officer.

46. The electors of every such municipality shall elect annually, on the first Monday in January, the members of the council of the municipality, except such members as may have been elected by acclamation on the nomination day. R. S. O. 1877, c. 175, s. 43.

Polling day.

47. The persons so elected shall hold office until their successors are elected and sworn into office. R. S. O. 1877, c. 175, s. 44.

Term of office.

48. The provisions of law for the trial of controverted elections, applicable to councillors of townships in counties, shall apply to the members of the council of any municipality formed under this Act. R. S. O. 1877, c. 175, s. 45.

Trial of controverted elections.

49. In case the seat of any member of the council becomes vacant by death, resignation or a continued absence from meetings of the council for a period of six months, it shall be the duty of the council to direct a new election to be held for the purpose of supplying such vacancy. R. S. O. 1877, c. 175, s. 46.

Vacancy in Council, how filled.

50. The reeve shall preside at all meetings of the council and, in the event of his absence, the council shall choose from among their number, a person to preside, and, in such case, the said person so presiding shall have all the powers and exercise all the functions appertaining to the reeve. R. S. O. 1877, c. 175, s. 47.

Who to preside at meetings of the Council.

51. The Reeves of the various municipalities shall be, *ex officio*, Justices of the Peace, and shall have the like powers as are exercised by other Justices of the Peace in this Province. R. S. O. 1877, c. 175, s. 48.

Reeves to be Justices of the Peace.

POLICE VILLAGES.

52. On the petition of thirty of the inhabitants of a village in any of the said territorial districts containing one hundred inhabitants at least, the Lieutenant-Governor in Council may, by proclamation, erect the same into a police village, and assign thereto such limits as seem expedient. R. S. O. 1877, c. 175, s. 49.

Erection of police villages.

53. The provisions of *The Municipal Act* relating to police villages or their officers, shall apply to the police villages erected under the preceding section, except where inconsistent with this Act. R. S. O. 1877, c. 175, s. 50.

Rev. Stat. c. 184, ss. 638-670, to apply to police villages.

Qualification
of electors, and
elections in
police villages.

54. The electors of any such police village shall be required to have the same qualification in respect to such village as the electors of the said township municipalities; and the elections for police trustees shall be held on the same days and in the same manner as elections for councillors. R. S. O. 1877, c. 175, s. 51.

Qualification
of police
trustees.

55. Any elector of such police village resident therein may be elected as a police trustee, unless disqualified on account of holding an office inconsistent with the position of police trustee. R. S. O. 1877, c. 175, s. 52.

Lieutenant-
Governor in
Council may
annex to cer-
tain munici-
palities terri-
tory adjacent
thereto, and
form two into
one.

56.—(1) The Lieutenant-Governor in Council may, by proclamation, annex to any municipality formed as aforesaid, any territory lying adjacent thereto, and may, upon the application of two or more adjacent municipalities, form the same, either with or without additional area, into one municipality.

(2) In any such case the Lieutenant-Governor may fix the time at which the annexation or union shall take effect, and also the time when the first election shall take place, and the name by which the municipality shall be called. R. S. O. 1877, c. 175, s. 53.

(3) The provisions of this section shall apply to any municipality or municipalities created by Act of the Legislature in any provisional judicial, temporary judicial or territorial district, and to any territory lying adjacent thereto. 47 V c. 33, s. 2.

ALGOMA AND THUNDER BAY.

Judge to de-
cide disputes
as to validity
of by-laws, etc.

57. If any dispute at any time arises as to the validity of any by-law, or resolution, or order of any municipality in the provisional judicial districts of Algoma and Thunder Bay, the same shall be referred to the Judge of the district, whose decision thereon shall be final, and the said Judge shall have the power of enforcing his decision, if necessary, by a writ or writs under his hand and seal, to be directed to the proper sheriff adapted to the purposes intended. R. S. O. 1877 c. 175, s. 55.

2. MISCELLANEOUS MUNICIPAL MATTERS.

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“ 187.—CALLING AND HOLDING OF PUBLIC MEETINGS, p. 2037.

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CHAPTER 186.

An Act respecting the Registration of Municipal and certain other Debentures.

SHORT TITLE, s. 1.

REGISTRATION, ss. 2-4.

RETURNS TO PROVINCIAL SECRETARY,
ss. 5, 6.

BY-LAWS, HOW VERIFIED, s. 7.

INSPECTION OF BOOKS AND RETURNS,
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SANCTION OF LIEUTENANT-GOVERNOR
TO BY-LAWS, s. 10.

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PENALTIES, s. 12.

DEBENTURES NOT IMPEACHABLE
AGAINST *bona fide* HOLDER, s. 13.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as “*The Debentures Registration Act*.” R. S. O. 1877, c. 176, s. 1.

2. It shall be the duty of the clerk or person acting as such, of every municipal or provisional municipal corporation, and of the clerk or secretary, or person acting as such, of any other corporate body, within two weeks after the final passing of any by-law made and passed by such corporation for the purpose of raising money by the issue of debentures, and before the sale or contract for sale of any such debentures issued or intended to be issued thereunder, to transmit to the registrar of the registry division in which such municipal corporation or

Certified copies of all by-laws under which debentures are intended to be issued, to be transmitted to the proper Registrar, etc.

other corporate body, or its principal office, is situated, a copy duly certified, as hereinafter provided, of each and every by-law made and passed as aforesaid by such municipal or provisional municipal corporation, or other corporate body, together with a return in the form specified in the Schedule A, hereunto annexed, shewing the title or objects of each such by-law, the amounts to be raised thereunder, the number of debentures to be issued thereunder, the amounts thereof respectively, the dates at which the same respectively fall due, the assessed value of the real and personal estate belonging to such corporation or company, the assessed value of the real and personal estate of the municipality, and the amount of the yearly rate in the dollar to liquidate the same. R. S. O. 1877, c. 176, s. 2.

Registrar to file such by-laws, and to keep books with copies of the returns required by section 2.

3. The registrar of the registry division in which such municipal corporation or other corporate body or its principal office is situated, shall receive and file in his office the several by-laws required to be transmitted to him as hereinbefore provided, and shall cause to be entered in a book provided for that purpose, true and correct copies of the returns required by the preceding section. R. S. O. 1877, c. 176, s. 5.

If requested, the registrar may register the name of such holder of any debenture, and registration to be *prima facie* evidence.

4. The registrar of each registry division, as aforesaid, shall provide a book of registration, wherein he shall, at the request of the original holder or holders, or any subsequent transferee or transferees thereof respectively, from time to time, cause to be entered and registered the name of such original holder or holders, or of such subsequent transferee or transferees, and such holder or last registered transferee in such book of registration shall be deemed *prima facie* the legal owner and possessor thereof. R. S. O. 1877, c. 176, s. 6.

Return to be made to Provincial Secretary.

5. The clerk, or person acting as such, of every municipal or provisional municipal corporation, and the clerk or secretary, or person acting as such, of any other corporate body (excepting such as are in and by this Act excepted), shall, on or before the 10th day of January in each year, transmit to the Provincial Secretary a return made up to the 31st day of December then last past, in the form specified in the Schedule B hereunto annexed, shewing the name of the municipal or provisional municipal corporation, or other corporate body,—the amount of its debt, if any, distinguishing the amount of debt incurred under the Municipal Loan Fund Acts, if any, from the remainder of its debt—the assessed value of the real and personal estate belonging to such corporation or company, or the assessed value of the real and personal estate of the municipality, or both, as the case may be—the total rates, if any, per dollar,

assessed on such last mentioned property for all purposes, and the amount of interest due by the corporation or company, or by the municipality. R. S. O. 1877, c. 176, s. 3.

6. The Provincial Secretary shall annually compile, from the returns so transmitted, a statement in tabular form, shewing the names of the several corporations in one column, and the contents of their respective returns against their respective names in other columns, corresponding to those in the said Schedule B; and he shall cause copies thereof to be laid before the Legislative Assembly within the first fifteen days of the Session next after the completion of the same, or if the Legislative Assembly is sitting when the same is completed, as soon as may be after such completion. R. S. O. 1877, c. 176, s. 4.

Provincial Secretary to compile tables from such returns and lay them before the Legislative Assembly.

7. All by-laws mentioned in section 2 of this Act shall be certified and authenticated by the seal of the municipal corporation, and by the signature of the head thereof or of the person presiding at the meeting at which the original by-law has been made and passed, and also by that of the clerk of the corporation; and all by-laws of other corporate bodies shall be attested and authenticated by the seal of the corporate body and by the signature of the head thereof. R. S. O. 1877, c. 176, s. 7.

Mode in which by-laws shall be certified.

8. The certified copies of all by-laws hereinbefore referred to and transmitted as aforesaid, and also the returns in section 2 of this Act mentioned, and the book or books of entry of such returns and of registration, shall be open to public inspection and examination, and access had thereto at all seasonable times and hours upon payment of certain fees as hereinafter provided. R. S. O. 1877, c. 176, s. 8.

By-laws, returns and books of entry in Registry Office, to be open to inspection.

9. The following fees shall be paid to registrars under this Act:

| | Fees payable under this Act. |
|---|------------------------------|
| | \$ cts. |
| For registration of each certified copy of By-laws, the sum of | 2 00 |
| For registration of any Returns as prescribed in Schedule A, for each such Return, the sum of | 1 00 |
| For registration of the name of holder or transferee of any number of debentures not exceeding five, the sum of | 0 25 |
| Over five and not exceeding fifteen, the sum of | 0 50 |
| Over fifteen and not exceeding thirty, the sum of | 0 75 |
| Upwards of thirty, the sum of | 1 00 |
| For making search, inspecting each copy of By-law, and examining entries connected therewith | 1 00 |

R. S. O. 1877, c. 176, s. 9.

10. In all such cases as require the submission of any by-law to the Lieutenant-Governor for his sanction, such sanction must first be obtained to bring the same within the meaning of the words "final passing thereof" in section 2 of this Act. R. S. O. 1877, c. 176, s. 10.

Meaning of term "final passing," as to by-laws to be submitted to the Lieutenant-Governor.

Act not to extend to railway companies or ecclesiastical corporations, etc.

11. The foregoing sections of this Act shall not extend to the by-laws or debentures thereunder, of any railway company or any ecclesiastical corporation heretofore incorporated or hereafter to be incorporated, or the debentures issued by any religious denomination in its corporate capacity. R. S. O. 1877, c. 176, s. 11.^f

Penalty on officers of corporations neglecting their duties under this Act.

12. Any clerk or secretary as aforesaid, of any municipality or corporate body as aforesaid, who neglects to perform, within the proper period, any duty devolving upon him in virtue of this Act, shall be subject to a fine of \$200, or, in default of payment thereof, to imprisonment until such fine is paid, but for a period not exceeding twelve months, to be prosecuted for in the name of the Attorney-General of Ontario, in any Court of competent jurisdiction. R. S. O. 1877, c. 176, s. 12.^g

When not impeachable.

13. Any such debenture issued as aforesaid shall not be impeachable in the hands of 'a *bona fide* holder for value without notice. R. S. O. 1877, c. 176, s. 13.

RETURN as required by Chapter 186 of The Revised Statutes of Ontario, entitled, *An Act respecting the Registration of Municipal and certain other Debentures*, of Debentures issued by (here insert title of Corporation).

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|------------------------------------|-------------------------|--|---------------------|--|--|--|
| Title or Objects of the By-law. | Amount to be raised. | Number of Debentures and Amounts. Number. Amounts. | Dates when Payable. | Assessed value of Real and Personal Estate belonging to such Corporation (or Com- pany). | Assessed value of the Real and Personal Estate of the Muni- cipality of (Town, Township, County, City or Village, as the case may be). | Amount of yearly rate in the \$ to liquidate same. |
| | | | | Real. Personal. | Real. Personal. | |

Dated at

this

day of

A. D. 18

R. S. O. 1877, c. 176, *Sched. A.*

SCHEDULE B.

RETURN as required by Chapter 186 of The Revised Statutes of Ontario, entitled *An Act respecting the Registration of Municipal and certain other Debentures*, of Debentures issued by (here insert title of Corporation.)

| LIABILITIES. | Assessed value of Real and Personal Estate belonging to the Body Corporate. | | Assessed value of the Real and Personal Estate of the Municipality. | | Total Rates Assessed for all purposes. | Interest due by the Corporation (or Company, or Municipality.) |
|---------------------------------|---|-----------|---|------------|--|--|
| | Real. | Personal. | Réal. | Personnel. | | |
| Under Municipal Loan Fund Acts. | | | | | | |
| All other Liabilities. | | | | | | |
| Total Liabilities. | | | | | | |

R. S. O. 1877, c. 176, Sched. B.

CHAPTER 187.

An Act respecting Public Meetings.

PUBLIC MEETINGS DEFINED, ss. 1-3.
 Notices to constitute, ss. 4-8.
 SHERIFF, MAYOR OR MAGISTRATES
 TO ATTEND MEETING CALLED BY
 THEM, s. 9.

PROCEDURE AT MEETING, s. 10.
 POWERS OF CHAIRMAN, ss. 11, 12.
 SPECIAL CONSTABLES, s. 13.
 LIMITATION OF ACTIONS, s. 14.

IT being the undoubted right of Her Majesty's subjects to *Public meet-*
 meet together in a peaceable and orderly manner, not only *ings* within
 when required to do so in compliance with the express direction the protection
 of law, but at such other times as they may deem it expedient of this Act.
 so to meet for the consideration and discussion of matters of
 public interest, or for making known to their Gracious
 Sovereign or Her Representative in this Province, or to both or
 either of the Houses of the Imperial or Dominion Parliaments,
 or to the Provincial Legislature, their views respecting the
 same, whether such be in approbation or condemnation of the
 conduct of public affairs; and it being expedient to make
 legislative provision for the calling and orderly holding thereof,
 and the better preservation of the public peace at the same ;

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows :—

1. All public meetings of the inhabitants or of any particular *Public meet-*
 class of the inhabitants of any district, county, riding, city *ings* within
 town, township or ward in this Province, which are required the protection
 by law, and summoned or called in the manner hereinafter by of this Act.
 section 4 of this Act prescribed, shall be and be deemed
 to be public meetings within the meaning of this Act. R. S. O.
 1877, c. 177, s. 1.

2. All public meetings of the inhabitants or of any particular *Public meet-*
 class of inhabitants of any district, county, riding, city, town, *ings* called
 township or ward in this Province, called by the sheriff of any by Sheriff
 such district or county, or by the mayor or other chief municip- or two magis-
 al officer of any such city or town respectively, in the manner trates to be
 hereinafter by section 5 of this Act pre-scribed, upon the within protec-
 requisition of any twelve or more of the freeholders, citizens or tion of this
 burgesses of the district, county, riding, city, town, town- Act.
 ship or ward, having a right to vote for members to serve in the

Legislative Assembly in respect of the property held by them within the district, county, riding, city, town, township or ward respectively, and all such meetings called by any two or more Justices of the Peace resident in any such district, county, riding, city, town, township or ward respectively, upon a like requisition from twelve or more of such freeholders, citizens or burgesses, shall be and be deemed to be public meetings within the meaning of this Act. R. S. O. 1877, c. 177, s. 2.

“Public meetings” declared by two magistrates to be within the protection of this Act to be so.

3. All public meetings of the inhabitants or of any particular class of the inhabitants of any district, county, riding, city, town, township or ward in this Province, declared to be public meetings within the meaning of this Act by any two Justices of the Peace resident in such district, county, riding, city, town, township or ward, in the manner hereinafter by section 6 of this Act prescribed, shall be and be deemed to be public meetings within the meaning of this Act. R. S. O. 1877, c. 177, s. 3.

Manner of bringing meetings required by law within protection of this Act.

4.—(1) In every notice or summons for calling together any such public meeting as in section 1 of this Act is mentioned, there shall be contained a notice that such meeting, and all persons attending the same, will be within the protection of this Act, and requiring all persons to take notice thereof and govern themselves accordingly.

Notice.

(2) Such part of the notice or summons may be in the form or to the effect following:

And be it known, that the meeting to be held in pursuance hereof is called in conformity with the provisions of Chapter 187 of *The Revised Statutes of Ontario*, entitled *An Act respecting Public Meetings*; and that the said Meeting and all persons attending the same will therefore be within the protection of the said Act, of all which premises, all manner of persons are hereby in Her Majesty's name most strictly charged and commanded, at their peril, to take especial notice, and to govern themselves accordingly.

R. S. O. 1877, c. 177, s. 4

Manner of bringing meetings called by sheriffs, etc., within the protection of this Act.

5. The notice to be issued by the sheriff of any county, or by the mayor or other chief municipal officer of any city or town, or by two or more Justices of the Peace, for calling any such public meeting as in section 2 of this Act is mentioned:

1. Shall be issued at least three days before the day upon which such meeting is appointed to be held; and shall set forth

- (a) The names of the requisitionists, or of a competent number of them;
- (b) That such meeting is called in conformity with the provisions of this Act; and
- (c) That such meeting, and all persons attending the same, will be within the protection of this Act, and that all persons are required to take notice thereof and govern themselves accordingly.

2. Such notice may be in the form or to the effect of Schedule A to this Act. R. S. O. 1877, c. 177, s. 5.

6. Upon information on oath, before any Justice of the Peace, that any public meeting of the inhabitants, or of any particular class of the inhabitants of any district, county, riding, city, town, township or ward, not being a public meeting of the description mentioned in section 1 of this Act, or a public meeting called in the manner referred to in section 2 of this Act, is appointed to be held at any place within the jurisdiction of such Justice, and that there is reason to believe that great numbers of persons will be present at such meeting: any two Justices of the Peace having jurisdiction within the district, county, city or town within which such meeting is appointed to be held, may give notice of such meeting, and may declare the same, and declare all persons attending the same, within the protection of this Act, and require all persons to take notice thereof and govern themselves accordingly, and such notice or declaration may be in the form of Schedule B to this Act. R. S. O. 1877, c. 177, s. 6.

By private persons within the protection of this Act.

7. Every sheriff, mayor, Justice of the Peace, or other person who calls any such public meeting as is mentioned in section 2 of this Act, shall give public notice thereof, as extensively as he reasonably can, by causing to be posted and distributed throughout the district, county, riding, city, town, township or ward for which the same is called, a sufficient number of printed or written copies of the notice calling the same. R. S. O. 1877, c. 177, s. 7.

Sheriff or Justices, etc., calling meetings on requisition to give certain notices.

8. The Justices of the Peace who declare any public meeting about to be held to be a public meeting within the protection of this Act, as in section 3 of this Act mentioned, shall give public notice of its having been so declared, by causing to be posted and distributed throughout the district, county, riding, city, town, township or ward for which the same is so called, as many printed or written copies of the notice or declaration issued by them in that behalf as may be reasonably necessary for that purpose, and as the time appointed for the holding such meeting reasonably admits. R. S. O. 1877, c. 177, s. 8.

Justices declaring meetings to be within protection of Act to give certain notices.

9. Every sheriff, mayor, Justice of the Peace, or other person who either calls any public meeting under the provisions of section 2 of this Act, or declares any meeting called by others to be a public meeting within the protection of this Act, under the provisions of section 3 hereof, shall attend such meeting, and whether such sheriff, mayor, Justice of the Peace, or other person is appointed by such public meeting to take the chair and preside over the same, or not, every such sheriff, mayor, Justice of the Peace, and other person shall continue at or near the place appointed for holding such

Sheriffs and Justices calling and declaring meeting under this Act to attend the same.

public meeting, until the same has dispersed, and shall afford all such assistance as is in his power in preserving the public peace thereat. R. S. O. 1877, c. 177, s. 9.

Chairman to read requisition and make proclamation for the preservation of order.

10. Every person required by law, or who has, in the usual way, been appointed at such public meeting to preside over the same, shall commence the proceedings of the meeting by causing the summons or notice calling the meeting, or the declaration whereby the same is declared to be a public meeting, under the protection of this Act, to be publicly read. R. S. O. 1877, c. 177, s. 10.

Chairman to remove disorderly persons, and convict on view of disturbance.

11. Any person required by law, or who has been appointed at such meeting in the usual way to preside over the same shall cause order to be kept at such meetings, and for that purpose may, by oral direction or otherwise, cause any person who attempts to interrupt or disturb such meeting to be removed to such a distance from the same as may effectually prevent such interruption or disturbance, and by an instrument in writing under his hand, on his own view, may adjudge any person who so attempts to interrupt or disturb such meeting guilty of such attempted interruption or disturbance, upon which conviction any Justice of the Peace may, by warrant under his hand, forthwith commit such person to the common gaol of the county or district, or to any other place of temporary confinement that such Justice may appoint, for any period not exceeding forty-eight hours from the time of commitment signed, and until the lawful costs of the constable and gaoler for the arrest, transmission and detention of such person are paid or satisfied. R. S. O. 1877, c. 177, s. 11.

To call on Justices of the Peace, constables, &c., for assistance.

12. For the purpose of keeping the peace and preserving good order at every such public meeting, the person required or appointed to preside at such meeting as aforesaid may command the assistance of all Justices of the Peace, constables, and other persons to aid and assist him in so doing. R. S. O. 1877, c. 177, s. 12.

Justices to swear in special constables on requisition of Chairman.

13. Any Justice of the Peace present at any such meeting upon the written application of the person so required or appointed to preside at the same, shall swear in such a number of special constables as such Justice may deem necessary for the preservation of the public peace at such meeting. R. S. O. 1877, c. 177, s. 13.

Action to be brought within 12 months.

14. Every action to be brought against any person for any thing by him done under authority of this Act, must be brought within twelve months next after the cause of such action accrued. R. S. O. 1877, c. 177, s. 14.

SCHEDULE A.

(Section 5.)

TO THE INHABITANTS OF THE COUNTY OF A. (*or as the case may be*), AND ALL OTHERS HER MAJESTY'S SUBJECTS WHOM IT DOTH OR MAY IN ANYWISE CONCERN :

Whereas I, A. B., Sheriff of, etc., or we, C. D. and E. F., two (*or whatever the number may be*) of Her Majesty's Justices of the Peace for the County (*or District*) of A, resident within the said County (*or District*) having received a requisition, signed by J, J, K, L, etc., etc. (*inserting the names of at least twelve of the requisitionists and as many more as conveniently may be, and mentioning the number of the others; thus*) and fifty-six (*or as the case may be*) others, who (*or twelve of whom*) are freeholders of the said County (*or District*) (*or citizens of the said City*) having a right to vote for members to serve in the Legislative Assembly in respect of the property held by them within the said County (*or District or City, etc., as the case may be*) requesting me (*or us*) to call a public meeting (*here recite the requisition*) : And whereas I (*or we*) have determined to comply with the said requisition :

Now, therefore, I (*or we*) do hereby appoint the said meeting to be held at *(here state the place)* on , the day of next (*or instant*), at of the clock in the noon, of which all persons are hereby required to take notice. And whereas the said meeting has been so called by me (*or us*) in conformity with the provisions of chapter 187 of the Revised Statutes of Ontario, entitled *An Act respecting Public Meetings*, the said meeting, and all persons who attend the same, will therefore be within the protection of the said Act, of all which premises all manner of persons are hereby in Her Majesty's name most strictly charged and commanded, at their peril, to take especial notice, and to govern themselves accordingly.

Witness my hand (*or our hands*) at the of , this day of , in 18 .

A. B., Sheriff,
or C. D., J. P.
E. F., J. P.

R. S. O. 1877, c. 177, Sched. A.

SCHEDULE B.

(Section 6.)

TO THE INHABITANTS OF THE COUNTY OF A. (*or as the case may be*), AND ALL OTHERS HER MAJESTY'S SUBJECTS WHOM IT DOTH OR MAY IN ANYWISE CONCERN :

Whereas, by information on oath taken before D. E., Esquire, one of Her Majesty's Justices of the Peace for the County of C (*or City or District, or as the case may be*), within which the meeting hereinafter mentioned is appointed to be held, it appears that a Public Meeting of the inhabitants (*or householders, etc., as the case may be*) of the County of G (*or as the case may be*) is appointed to be held at , in the said County (*or as the case may be*), on , the day of next (*or instant*), at of the clock in the noon (*or at some other hour on the same day*), and that there is reason to believe that great numbers of persons will be present at such meeting ; and whereas it

appears expedient to us *C. D.* and *E. F.*, two (or whatever the number may be) of Her Majesty's Justices of the Peace having jurisdiction within the said County (or as the case may be), that, with a view to the more orderly holding of the said meeting, and the better preservation of the public peace at the same, the said meeting, and all persons who may attend the same, should be declared within the protection of chapter 187 of the Revised Statutes of Ontario, entitled *An Act respecting Public Meetings*:

Now, therefore, in pursuance of the provisions of the said Act, and the authority in us vested by virtue of the same, we, the said Justices, do hereby give notice of the holding of the said meeting, and do hereby declare the said public meeting, and all persons who attend the same, to be within the protection of the said Act.

Of all which premises all manner of persons are hereby in Her Majesty's name most strictly charged and commanded, at their peril, to take especial notice, and to govern themselves accordingly.

Witness our hands at _____, in the _____ of
this _____ day of _____ 18 _____
C. D., J. P.
E. F., J. P.
 &c.

R. S. O. 1877, c. 177 Sched. B.

CHAPTER 188.

An Act to exempt Firemen from certain Local Services.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Formation of
fire com-
panies.

1. It shall be in the discretion of the corporate authorities or boards of police in any city or town, or place in which the formation of companies of firemen is by law authorized and regulated, or, where there are no such authorities or board, it shall be in the discretion of the Justices of the Peace of the district or county in which such city or town is situate, in General Sessions assembled, or the majority of them, to consent to the formation of a fire company in such city, town or place, or to defer the same until circumstances in their opinion render it expedient that such company should be formed; and they may also, in their discretion, from time to time, discontinue or renew any such company or companies.

R. S. O. 1877, c. 178, s. 1.

Discontinu-
ance or re-
newal.

Certificated
members of
such company
to be exempted
from serving
as jurors, and
from certain
other offices.

2. Whenever any company or companies of firemen have been regularly enrolled in any such city, town or place, the corporate authorities, or board of police in such city or town, or the Justices of the Peace for the district or county, or the majority of them, as aforesaid, respectively, being satisfied of the efficiency of such persons and accepting their enrolment,

shall direct the clerk of the peace for the district or county to grant to each member of such company a certificate that he is enrolled on the same, which certificate shall exempt the individual named therein, during the period of his enrolment, and his continuance in actual duty as such fireman, from serving as a juryman or a constable, and from all municipal offices. R. S. O. 1877, c. 178, s. 2.

3. The corporate authorities or board of police in any city or town, or where there are no such authorities or board, the Justices of the Peace for the district or county, or the majority of them, at any General or adjourned Sessions, upon complaint to them made of neglect of duty, by any member of such fire company, shall examine into the same; and for any such cause, and also, in case any member of such company is convicted of a breach of any of the rules legally made for the regulation of the same, may strike off the name of any such member from the list of the company, and thenceforward the certificate granted to such member, as aforesaid, shall have no effect in exempting him from any duty or service in the next preceding section of this Act mentioned. R. S. O. 1877, c. 178, s. 3.

Such exemption may be taken away in case of misconduct on the part of any member of any such company.

4. When any member of any company of firemen, regularly enrolled in any city, town or place in which the formation of companies of firemen is by law authorized and regulated, has regularly and faithfully served for the space and term of seven consecutive years in the same, the said member shall be entitled to receive, upon producing due proof of his having served seven consecutive years as aforesaid, a certificate from the clerk of the peace of the district or county in which he resides, or from the clerk of the corporate body or board of police under whose authority the said company has been established, that he has been regularly enrolled and served as a member of the said fire company for the space of seven years; and such certificate shall exempt the individual named therein from serving as a constable, and from all municipal offices, but this shall not exempt such fireman from serving as a juryman. R. S. O. 1877, c. 178, s. 4.

Firemen having served seven years exempted from serving in certain offices.

5. The municipal council of a city wherein the formation of companies of firemen is by law authorized and regulated, may, by by-law, enact, that when a member of a company of firemen regularly enrolled in such city has regularly and faithfully served in such company for the space and term of seven years consecutively, such member, upon producing due proof of his having so served, shall receive a certificate from the clerk of the council of the city or the clerk of the corporate body under whose authority the company was established, that he has been regularly enrolled and served as a member of the said fire company for the space of seven years. R. S. O. 1877, c. 178, s. 5.

Firemen having served seven years entitled to a certificate to that effect.

Such certificate shall exempt from statute labour tax and from serving as jurors.

6. The certificate shall exempt the individual named therein from the payment of any personal statute labour tax thereafter, and from serving as a juror on the trial of any cause in any Court of Law within this Province. R. S. O. 1877, c. 178, s. 6.

[See also, as to exemption of Firemen from Jury services, *Rev. Stat. c. 52, s. 6 (31)*; and as to exemption from municipal offices, *Rev. Stat. c. 184, s. 78.*]

CHAPTER 189.

An Act to provide for the establishment of Free Libraries.

SHORT TITLE, s. 1.

ESTABLISHMENT OF FREE LIBRARIES,
s. 2.

BOARD OF MANAGEMENT, s. 3.

Duties of Board, s. 4.

By-laws, s. 5.

Yearly estimates, s. 6.

Accounts, s. 7.

SPECIAL RATE FOR LIBRARY PURPOSES, s. 8.

ADMISSION TO BE FREE, s. 9.

TRANSFER OF PROPERTY BY MECHANICS' INSTITUTES, ETC., ss. 10, 11.

ACT TO BE READ WITH MUNICIPAL AND ASSESSMENT ACTS, s. 12.

FORMS, s. 13.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title,

1. This Act may be cited as "*The Free Libraries Act.*" 45 V. c. 22, s. 1.

Establishment
of free libraries,

2.—(1) A free library may be established in any city, town or incorporated village, in manner hereinafter provided.

(2) Where a free library is so established, there may, without any proceedings for the purpose under this Act, be connected with the library, a free news-room, or museum, or both; and there may be established a branch library, or branch libraries, and a branch news-room, or branch news-rooms, in the municipality.

(3) In case a petition is presented to the council of a city, town, or incorporated village, signed by not less than one hundred electors in the case of a city, or not less than sixty in the case of a town, or not less than thirty in the case of an incorporated village, praying for the establishment of a free

library under this Act, the council may pass a by-law giving effect to the petition, with the assent of the electors qualified to vote at municipal elections given before the final passing of the by-law as provided by the municipal law. 45 V. c. 22, s. 2 (2, 3).

(4) A by-law under this Act, which has been so assented to by the electors, may be passed at the first or any meeting of the municipal council thereafter, without waiting for the expiration of fourteen days or any other time, unless a petition for a scrutiny has been presented in the meantime as provided by section 328 of *The Municipal Act*.

Rev. Stat. c.
184.

(5) After a by-law has been assented to, it shall be the duty of the council for the time being to pass the same without unnecessary delay, whether such council is, or is not, the same council which submitted the by-law to the electors. 46 V. c. 19, ss. 3, 4.

(6) In case the vote of the electors is adverse to the by-law, no new by-law for the same purpose shall afterwards be passed by the council, to be submitted to the electors within the same municipal year. 45 V. c. 22, s. 2 (4).

3.—(1) In case of the establishment of a free library under this Act, the general management, regulation, and control of the library, and of the news-room and museum (if any) shall be vested in and exercised by a board to be called the board of management; which board shall be a body politic and corporate, and shall be composed of the mayor of the city or town, or the reeve of the village, and three other persons to be appointed by the council, three by the public school board, or the board of education, of the municipality, and two by the trustees of the separate school, if any.

Appointment
of Board of
Management.

(2) No person who is a member of the body entitled to appoint shall be qualified to be a member of the board of management.

(3) Of the representatives appointed by the council, and the public school board, or board of education and separate school trustees, respectively, one shall retire annually, but may be re-appointed.

(4) Of the three members first appointed by the council, and public school board, or board of education respectively, one shall hold office until the 1st day of February after his appointment, one until the 1st day of February in the following year, and one until the same day in the year next thereafter; and of the two members first appointed by the separate school trustees, one shall hold office until the 1st day of February after his appointment, and one until the 1st day of February of the following year; but every member of the board of management shall continue in office after the time named until his successor is appointed.

(5) In case of a vacancy by the death or resignation of a member, or from any cause other than the expiration of the time for which he was appointed, the member appointed in his place shall hold office for the remainder of his term.

(6) Subject to these provisions, each of the members appointed by the council, or public school board, or board of education, shall hold office for three years from the 1st day of February in the year in which he is appointed; and each of the members appointed by separate school trustees, for two years from the 1st day of February in the year in which he is appointed.

(7) The first appointment of members of the board shall be made at the first meeting of the appointing council or board, after the final passing of the by-law. The annual appointments thereafter shall be made at the first meeting of the appointing council or board, after the 1st day of January in every year; and any vacancy arising from any cause, other than the expiration of the time for which the member was appointed, shall be filled at the first meeting thereafter of the appointing council or board. But if for any reason appointments are not made at the said dates, the same shall be made as soon as may be thereafter.

(8) The board of management shall elect one of their number as chairman, who shall hold office for one year; he shall preside at meetings of the board when present; in his absence a chairman may be chosen *pro tempore*. The chairman shall have the same right of voting as the other members of the board, and no other.

(9) The board shall meet at least once every month, and at such other times as they may think fit.

(10) The chairman or any two members may summon a special meeting of the board by giving at least two days' notice in writing to each member, specifying the purpose for which the meeting is called.

(11) No business shall be transacted at any general or special meeting unless four members are present.

(12) All orders and proceedings of the board shall be entered in books to be kept by them for that purpose, and shall be signed by the chairman for the time being.

(13) The orders and proceedings so entered and purporting to be so signed, shall be deemed to be original orders and proceedings, and such books may be produced and read as evidence of the orders and proceedings upon any judicial proceeding whatsoever. 45 V. c. 22, s. 3.

Duties of
board.

4. Subject to the restrictions and provisions hereinafter contained, the board are, from time to time, to procure, erect, or rent the necessary buildings for the purposes of the library or of the library, news-room and museum (as the case may be);

to purchase books, newspapers, reviews, magazines, maps and specimens of art and science, for the use of the library, news-room and museum, and to do all things necessary for keeping the same in a proper state of preservation and repair; and to purchase and provide the necessary fuel, lighting, and other similar matters; and are to appoint and dismiss, as they see occasion, the salaried officers and servants employed. 45 V. c. 22, s. 4.

5.—(1) The board may make by-laws or rules for the safety and use of the library, news-room, and museum, and for the admission of the public thereto; and for regulating all other matters and things whatsoever connected with the management of the library and of the news-room and museum (if any), and with the management of all property of every kind under their control for the purposes of this Act; and the board may impose penalties for breaches of the by-laws or rules, not exceeding \$10 for any offence; and may from time to time repeal, alter, vary, or re-enact any such by-laws or rules. Board may make by-laws respecting use of library.

(2) After such by-laws or rules have been published weekly for at least two weeks in a newspaper published in the municipality, or in a newspaper circulated therein if no newspaper is published therein, the by-laws and rules so published shall be binding on all parties concerned; but any Judge or magistrate, before whom a penalty imposed thereby is sought to be recovered, may order a part only of such penalty to be paid, if he thinks fit.

(3) Nothing herein contained shall preclude the recovery of the value of articles or things damaged, or the amount of damage sustained, from parties liable for the same. 45 V. c. 22, s. 5.

6.—(1) The board of management shall, in the month of March in every year, make up or cause to be made up, an estimate of the sums required to pay, during the ensuing financial year: Board to make yearly estimates.

1. The interest of any money borrowed as hereinafter mentioned;
2. The amount of the sinking fund; and
3. The expense of maintaining and managing the libraries, news-rooms or museums under their control, and of making the purchases required therefor.

(2) The board shall report their estimate to the council not later than the 1st day of April in each year. 45 V. c. 22, s. 6.

7. The board of management shall keep distinct and regular accounts of their receipts, payments, credits and liabilities, and the accounts shall be audited by the auditors of the muni- Board to keep regular accounts.

cipality, in like manner as other accounts of the municipality, and shall thereafter be laid before the council by the board of management. 45 V. c. 22, s. 7.

Special rate
for library
purposes.

8.—(1) For the purpose of providing for the expenses necessary for carrying this Act into effect, the council of the municipality, in addition to all other rates and assessments levied and assessed for municipal purposes, shall levy and assess from year to year a special annual rate sufficient to furnish the amount estimated by the said board to be required as aforesaid, but not exceeding one half of a mill in the dollar, upon the assessed value of all ratable real and personal property, such rate to be called "The Free Library Rate."

(2) The council may also, subject as hereinafter provided, on the requisition of the board of management, raise by a special issue of debentures of the municipality, to be termed "Free Library Debentures," such sums as may be required for the purpose of purchasing and erecting the necessary buildings, and, in the first instance, for obtaining books and other things required.

(3) During the currency of the debentures so issued the council shall withhold, and retain as a first charge on the said annual rate, such amount as shall be required to meet the annual interest of the debentures, and a sinking fund for the retirement thereof as the debentures become due, such sinking fund to be invested and dealt with as in the case of other municipal debentures.

(4) All moneys levied or raised as aforesaid shall be received by the treasurer of the municipality in the same manner as other municipal funds, and be paid out by him on the orders of the board; save as to the amount required to meet the interest and provide a sinking fund for debentures issued as aforesaid.

(5) It shall not be necessary to submit to the electors a by-law authorizing the issue of debentures, provided the annual sum required to meet the annual interest and sinking fund do not, with a reasonable allowance for annual expenses exceed the said limit of half a mill in the dollar. 45 V. c. 22, s. 8.

Admission to
be free.

9. All libraries, news-rooms, and museums established under this Act shall be open to the public, free of all charge. 45 V. c. 22, s. 9.

Mechanics'
Institutes may
transfer prop-
erty to cor-
poration of
municipality
for the
purposes of
this Act.

10.—(1) At any time after the adoption of this Act in any municipality, any Mechanics' Institute or Library Association in the municipality may by agreement with the board transfer to the corporation of the municipality, for the purposes of this Act, all or any property, real or personal, of the Institute or Association; but any transfer which, but for this section, the

Institute or Association would not have authority to make, shall only be made in the manner provided by *The Act respecting Mechanics' Institutes and Art Schools*. Rev. Stat. c. 173.

(2) In case the transfer is to be made on terms involving the assumption of any liability of the Institute or Association, or the payment of any money in consideration of the transfer, the agreement shall not be binding unless approved of and consented to by by-law of the municipal council. 45 V. c. 22, s. 10.

11. In case of any Mechanics' Institute transferring its library and reading-room, or either of them, to any board of management of a free library, under the next preceding section of this Act, if it is part of the agreement that the board shall thenceforward receive the appropriation from the Mechanics' Institute grant, which the Institute would otherwise receive, the board shall, on the condition (if any) mentioned in the agreement, be entitled to the like aid from the unappropriated moneys in the hands of the Treasurer of the Province in respect of such reading-room and library, or either of them, as such Mechanics' Institute would have received. Provisions where library, etc., of Mechanics' Institute transferred to board. 46 V. c. 19, s. 2.

12. Upon the coming into operation of this Act in any municipality, it shall, as regards such municipality, be deemed to be incorporated with the Municipal and Assessment Acts from time to time affecting such municipality. Act to be incorporated with Municipal and Assessment Acts. 45 V. c. 22, s. 11.

13. The forms in the schedule hereto may be used for the purposes of this Act, or any forms to the like effect, and the recitals contained in the said forms shall be deemed sufficient, any provisions in *The Municipal Act* to the contrary notwithstanding. Forms. 45 V. c. 22, s. 12. Rev. Stat. c. 184.

SCHEDULE.

FORM A.

PETITION.

To the Municipal Council of

We, the undersigned electors of the said city of _____, [or as the case may be], respectfully pray that a Free Library may be established in this municipality under *The Free Libraries Act*. 45 V. c. 22, Sch. Form A.

FORM B.

BY-LAW FOR ESTABLISHING A FREE LIBRARY WITH THE ASSENT OF THE ELECTORS.

A By-law to provide for the establishment of a Free Library in the city of _____ [or as the case may be].

Whereas _____ electors have petitioned the council of the said city of _____ [or as the case may be], praying for the establishment of a Free Library under *The Free Libraries Act*;

Be it therefore enacted by the said Municipal Council of the said city of _____ [or as the case may be] that, in case the assent of the electors is given to this By-law, a Free Library be established in this municipality in accordance with the provisions of *The Free Libraries Act*.

And be it further enacted that the votes of the electors be taken on this By-law on the _____ day of _____, 18____, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon, at the under-mentioned places: [Here insert (1) the ward; (2) the polling subdivision; (3) the place for holding the poll and the name of the Deputy Returning Officer.]

That on the _____ day of _____ next, at his office in the _____, at _____ o'clock in the _____ noon, the _____ [Mayor, Reeve, or as the case may be] shall appoint in writing, signed by him, two persons to attend to the final summing up of the votes by the Clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-Law, and a like number on behalf of the persons interested in and desirous of opposing the passage of this By-law.

That the Clerk of the said Municipal Corporation shall attend at the _____ at the hour of _____ o'clock in the _____ noon, on the _____ day of _____, 18____, to sum up the number of votes given for or against the By-law.

Notice by Clerk.

The above is a true copy of a proposed By-law which will be taken into consideration by the Council of _____ after one month from the _____ day of _____, 18____, being the date of the first publication thereof, and the polls for taking the votes of the electors will be held at the hour, day and places named in the said By-law.

45 V. c. 22, Sched. Form B.

FORM C.

BY-LAW FOR THE ISSUE OF FREE LIBRARY DEBENTURES WHERE THE ASSENT OF THE ELECTORS IS NOT REQUIRED.

A By-law authorizing the issue of debentures for the purposes of a Free Library.

Whereas a By-Law of the Municipal Council of the city of _____ [or as the case may be], was passed on the _____ day of _____ establishing a Free Library in this municipality under *The Free Libraries Act*;

And whereas a sum of \$ _____ is required for the purposes of acquiring a site, erecting buildings, etc. [as the case may be], for the said Free Library, as appears by the special estimate for that purpose furnished by the Board of Management to the Council;

And whereas it will require the sum of \$ _____ annually for a period of _____ years, to pay the interest of the said debt, and the sum of \$ _____ annually during the said period for the forming of a sinking fund of _____ per centum per annum for the payment of the debt created by this By-Law, making in all the sum of _____ annually as aforesaid ;

And whereas it is necessary that such annual sum of _____ shall in each year during the said period of _____ years be charged on the special rate mentioned in section 8 of the said Act.

Be it therefore enacted by the said Municipal Council of the said city [or as the case may be] of _____ [or as the case may be], pursuant to the provisions of *The Free Libraries Act*.

That the Mayor [or as the case may be], of the said municipality may borrow on the credit of the said annual Library rate as aforesaid, and may issue Free Library Debentures of the corporation to that amount in sums of not less than \$100 each, and payable within _____ years from the date thereof, with interest at the rate of _____ per centum per annum, that is to say in [insert the manner of payment, whether in annual payments or otherwise], such debentures to be payable at _____ and to have attached to them coupons for the payment of interest.

That during _____ years, the sum of _____ shall be raised and retained annually for the payment of interest on said debentures, and also the sum of _____ for the purpose of forming a sinking fund of _____ per centum per annum for the payment of the principal of the said loan of _____ in _____ years, making in all the sum of _____ to be raised and charged annually as aforesaid on the special Library rate unless the said debentures shall be sooner paid, for the purpose of paying the said sum of _____, with interest thereon as aforesaid.

45 V. c. 22, Sched. Form C.

FORM D.

FREE LIBRARY DEBENTURE.

No. _____ Province of Ontario. \$ _____
[Name of Municipality.]

Under and by virtue of *The Free Libraries Act*, and of By-law No. _____ of the Corporation of _____ passed under the powers in said Act contained,

The Corporation of _____ promise to pay the bearer or _____ in the sum of \$ _____ on the _____ day of _____ A.D. _____ and the half-yearly coupons hereto attached, as the same shall severally become due.

[L.S.]

A. B.

Mayor [or as the case may be]

C. D.

Treasurer.

45 V. c. 22, Sched. Form D.

CHAPTER 190.

An Act to provide for the establishment and maintenance of Public Parks in Cities and Towns.

| | |
|--|---|
| SHORT TITLE, s. 1. | Yearly estimates, s. 17 (1, 2,). |
| ESTABLISHMENT OF PARKS, s. 2. | GRANTS TO MUNICIPALITY FOR PARK PURPOSES, s. 12. |
| PARKS TO BE OPEN TO PUBLIC, s. 3. | SPECIAL RATE, s. 17 (3). |
| BOARD OF MANAGEMENT, ss. 4-11. | ISSUE OF DEBENTURES, s. 17 (4-10). |
| Constitution of Board, s. 5. | PROHIBITIONS AND PENALTIES, s. 18. |
| Tenure of office, s. 6. | PRESERVATION OF ORDER, s. 19. |
| Expenses, s. 7 (1). | PROTECTION AND POWERS OF OFFICERS, s. 20. |
| Restriction as to contracts, s. 7 (2). | LIMITATION OF ACTIONS, s. 21. |
| Employment of clerks and servants, s. 8. | ACT TO BE READ WITH MUNICIPAL AND ASSESSMENT ACTS, s. 22. |
| Books and accounts, ss. 9, 10. | FORMS, s. 23. |
| By-laws, s. 11. | |
| Acquiring land, ss. 13-16. | |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Short title. **1.** This Act may be cited as "*The Public Parks Act.*" 46 V. c. 20, s. 1.

Establishment of parks. **2.**—(1) A park, or a system of parks, avenues, boulevards and drives, or any of them, may be established in any city or town; and the same, as well as existing parks and avenues, may be controlled and managed in the manner hereinafter provided.

(2) In case a petition is presented to the council of any city signed by not less than 500 electors, or to the council of any town signed by not less than 200 electors, praying for the adoption of this Act, the council may pass a by-law, giving effect to the petition, with the assent of the electors qualified to vote at municipal elections, given before the final passing of the by-law as provided by the municipal law.

(3) In case the majority of the votes polled on the by-law are in favour thereof, the by-law shall be finally passed by the council at its next regular meeting held after the taking of such vote, or as soon thereafter as may be.

(4) In case the vote of the electors is adverse to the by-law, no new by-law for the same purpose shall afterwards be passed by the council, or submitted to the electors, within the same municipal year. 46 V. c. 20, s. 2.

3. All parks, boulevards, avenues, and drives, and approaches thereto, or streets connecting the same, in any city or town where this Act is adopted, shall be open to the public free of all charge, subject to such by-laws, rules and regulations as the board may make as to the use thereof. 46 V. c. 20, s. 3.

Parks to be open to public.

4.—(1) In case of the adoption of this Act, the general management, regulation and control of all existing parks and avenues, and of all properties both real and personal, applicable to the maintenance of parks belonging to the city or town, and of all parks, avenues, boulevards and drives which may thereafter be acquired and established under the provisions of this Act, shall be vested in and exercised by a board, to be called The Board of Park Management.

Parks to be under control of Board of Park Management.

(2) The authority of the board shall not extend to any streets open at the time of the adoption of the Act, with the exception of streets which may be expressly specified in the by-law adopting the Act, or which at any time, or from time to time afterwards, in pursuance of an agreement between the council and the board, the council shall by by-law declare to be subject to this Act.

(3) Nothing in this Act contained shall authorize the board to assume possession or control of any exhibition park in or belonging to the city or town, without the consent of both the municipal council and of any electoral district society, agricultural or exhibition association, having an interest therein. 46 V. c. 20, s. 4.

5. The board shall be a body politic and corporate, and shall be composed of the mayor of the city or town and of six other persons who shall be residents of the city or town, but not members of the council, and shall be appointed by the council on the nomination of the mayor. 46 V. c. 20, s. 5.

Constitution of Board.

6.—(1) The appointed members of the board shall hold their office for three years, except in the case of the members of the first board, two of whom shall hold office until the 1st day of February in the year following the first appointments, two for one year, and two for two years, from said 1st day of February; said members retiring in rotation, two each year, the order of such retirement to be determined by lot among themselves at their first meeting; but every member of the board shall continue in office after the time named until his successor is appointed, and may be reappointed by the council.

Tenure of office.

(2) In case of a vacancy by the death or resignation of a member, or from any cause other than the expiration of the time for which he was appointed, the member appointed in his place shall hold office for the remainder of his term.

(3) Subject to these provisions, each of the appointed members shall hold office for three years from the 1st day of February in the year in which he is appointed.

(4) The first appointment of members of the board shall be made at the first regular meeting of the council held after the final passing of the by-law.

(5) Thereafter the appointments shall be made annually at the first meeting of the council held after its organization; and any vacancy arising from any cause other than the expiration of the time for which the member was appointed, shall be filled at the first meeting of the council held after the occurrence of the vacancy.

(6) The members of the first board, within ten days after their appointment, and on such day and hour as the mayor shall appoint (notice of the appointment, in writing, signed by the mayor, having been duly sent to the address of each member at least one week before the day and hour named therein), shall meet at the office of the mayor for the purpose of organization, shall elect one of their number chairman, and shall appoint a secretary, who may be either one of their own members, or any other person they may select.

(7) If for any reason appointments are not made at the said dates, the same shall be made as soon as may be thereafter.

(8) The chairman and secretary shall hold their places at the pleasure of the board, or for such period as the board shall prescribe.

(9) When the chairman or secretary is absent, or unable to act, the board may appoint a chairman or secretary *pro tempore*.

(10) The board shall meet at least once every month, and at such other times as they may think fit.

(11) The chairman or any two members may summon a special meeting of the board, by giving at least two days notice in writing, to each member, specifying the purpose for which the meeting is called.

(12) The office of any member of the board who shall be absent from the meetings of the board for three successive months, without leave of absence from the board, or without reasons satisfactory to the board, shall be declared vacant by the board, and notice thereof shall be given to the council at the next meeting of the council.

(13) No business shall be transacted at any special or general meeting, unless four members are present.

(14) All orders and proceedings of the board shall be entered in books to be kept by them for that purpose, and shall be signed by the chairman for the time being.

(15) The orders and proceedings so entered, and purporting to be so signed, shall be deemed to be original orders and proceedings, and the books may be produced and read upon any judicial proceedings as evidence of the orders and proceedings.

46 V. c. 20, s. 6.

7.—(1) The members of the board shall serve without compensation. Each member shall be entitled to receive his actual disbursements for expenses in visiting or superintending the park when the visit or service is made or rendered by direction of the board.

Payment of expenses of Board.

(2) No member of the board, or alderman, or member of the city or town council, shall have any contract with the board, or be pecuniarily interested, directly or indirectly, in any contract or work relating to the park or park property.

Members of the Board or of the Council not to be interested in any contract.

8. The board may employ all necessary clerks, agents and servants, and may prescribe their duties and compensation.

Board may employ clerks, etc.

9.—(1) The board shall keep in the office of the board all books, maps, plans, papers and documents used in and pertaining to the business of the board.

Books, etc., to be kept in the office of the Board.

(2) All books kept by the board shall be open to the examination of the members of the council, and of any other person or persons appointed for that purpose by the council.

46 V. c. 20, s. 9.

10. The board shall keep distinct and regular accounts of their receipts, payments, credits, and liabilities; and the accounts shall be audited by the auditors of the municipality in like manner as other accounts of the municipality, and shall thereafter be laid before the council by the board.

Board to keep regular accounts.

11.—(1) The board may from time to time pass by-laws for the use, regulation, protection and government of the park or parks, approaches thereto, and streets connecting the same, not inconsistent with the provisions of this Act or any law of the Province.

Power to make by-laws, etc.

(2) The board shall, with respect to street railways, have the powers conferred upon municipal councils by *The Street Railway Act*, so far as relates to any streets or approaches under the control of the board; but no street or other railway shall enter upon or pass through the park or parks.

Rev. Stat. c. 171

(3) The board shall have power to license hacks and other vehicles for use in the park or parks; and to let from year to year, or for any time not exceeding ten years, the right to sell refreshments, other than spirituous, fermented or intoxicating liquors, within the park or parks, under such regulations as the board shall prescribe.

(4) The board shall have power to attach penalties for the infraction of their by-laws; and the same shall be enforced by summary proceedings before the Police Magistrate of the city

or town, or in his absence before any Justice of the Peace having jurisdiction therein or before any Justice of the Peace having jurisdiction in the locality in which the offence is committed, in the manner and to the extent that by-laws passed by municipal councils may be enforced.

(5) The by-laws shall be sufficiently authenticated by being signed by the chairman of the board; and a copy of any by-law, written or printed, and certified to be a true copy by any member of the board, shall be received as evidence in any Court of Justice or elsewhere without proof of any such signature; unless it is specially pleaded or alleged that the signature to the original by-law has been forged. 46 V. c. 20, s. 11.

Property may be granted, etc., to municipality for park purposes.

12. Real and personal property may be devised, granted, conveyed, bequeathed, or given to the city or town for the purpose of the improvement or ornamentation of the park or parks of the city or town, or of the approaches thereto, or of the streets connecting therewith; or for the establishment or maintenance on park property of museums, zoological or other gardens, collections of natural history, observatories, monuments, or works of art; upon such trusts and conditions as may be prescribed by the donor. 46 V. c. 20, s. 12.

Power to acquire land.

13.—(1) The board shall have power and authority to select and acquire, by purchase or otherwise, or to lease, the lands, rights and privileges needful for park purposes.

(2) The lands purchased by the board, together with those assumed by them as and for park purposes at the time of the adoption of this Act, shall not together exceed, in the case of cities, having a population of one hundred thousand inhabitants and over, 2,000 acres, and in other cities 1,000 acres, and in the case of towns 500 acres; but lands in excess of these quantities may be taken by devise or gift. 46 V. c. 20, s. 13 (2); 50 V. c. 31, s. 1.

(3) The title of all lands purchased shall be taken to the city or town.

(4) The board shall have power to let any lands not immediately required for park purposes.

(5) If the board find that they have more land than is required for park purposes, they may sell or otherwise dispose of the said land not required, in such manner, and upon such terms of cash or credit, or part cash, and part credit, as they may think most advantageous. 46 V. c. 20, s. 13 (3-5).

Power to enter on lands and appropriate streams, etc.

14. The board, their engineers, surveyors, servants and workmen from time to time, and at such times as the board shall see fit, may enter into and upon the lands of any persons, bodies politic or corporate, in the municipality, or, in the case of a city, within ten miles, and, in case of a town, within five miles thereof

and may survey, set out, and ascertain such parts thereof as are required for the purposes of the board, including parks, boulevards, avenues and drives and approaches thereto, and including also the supply of water for artificial lakes, fountains, and other park purposes; and (with the consent of all parties interested capable of consenting) may divert and appropriate any river, ponds of water, springs or streams of water therein which the engineer, surveyor or other person authorized in this behalf by the board shall judge suitable and proper for the said purposes; and the board may contract with the owner or occupier of the said lands, and with those having a right or interest in the said water, for the purchase or renting thereof, or of any part thereof, or of any privilege which may be required for the purposes of the board. But the board shall not interfere with the water-works of any municipal corporation or of any company. 46 V. c. 20, s. 14.

15. In case of any disagreement between the board and the owner or occupier of, or any other person interested in, such lands, or any person having an interest in the said water, or in the natural flow thereof, or in any such privilege as aforesaid, respecting the amount of purchase money or yearly rental thereof, or as to the damages which the appropriation thereof by the board will cause, or otherwise, the matter in question shall be decided by arbitration in accordance with the provisions of *The Municipal Act*, and as hereinafter provided. 46 V. c. 20, s. 15. Arbitration.
Rev. Stat.
c. 184.

16.—(1) The sections of *The Municipal Act* relating to the appointment of arbitrators and procedure, and numbered 385 to 404, both inclusive, and the sections numbered 483 to 486, both inclusive, relating to compensation for lands taken, are incorporated with, and are to be taken and read as part of this Act, and shall apply to the board as if the board were specially named therein instead of the municipal council. 46 V. c. 20, s. 16. Arbitration provisions in Municipal Act incorporated herewith.

(2) Section 403 of *The Municipal Act*, shall apply to an award made under the preceding sub-section, where such award is not binding on the board of park management until adoption. 47 V. c. 32, s. 10 (3). Rev. Stat.
c. 184, s. 403.

17.—(1) The board shall in the month of March in every year make up, or cause to be made up, an estimate of the sums required during the ensuing financial year, for: Board to make yearly estimates.

- (a) The interest of any money borrowed as herein mentioned;
- (b) The amount of the sinking fund; and
- (c) The expense of maintaining, improving, and managing the parks, boulevards, avenues and streets under their control.

(2) The board shall report their estimate to the council not later than the 1st day of April in each year.

Special rate
for park pur-
poses.

(3) The council shall, in addition to all other rates and assessments for municipal purposes, levy and assess in every year a special annual rate sufficient to furnish the amount estimated by the board to be required for the year, but not exceeding one-half mill in the dollar upon the assessed value of all ratable real and personal property; such rate to be called "The Park Fund Rate." The said rate shall be deemed to be included in the limit of two cents on the dollar authorized by *The Municipal Act* in that behalf exclusive of school rates.

Rev. Stat.
c. 184.

Power to issue
debentures.

(4) The council may also, subject as hereinafter provided, on the requisition of the board, raise by a special issue of debentures of the municipality, to be termed "Park Fund Debentures," the sums required for the purpose of purchasing the lands and privileges reported necessary for park purposes.

(5) It shall not be necessary to submit to the electors a by-law authorizing the issue of debentures in case the annual sum required to meet the annual interest and sinking fund does not, with a reasonable allowance for annual expenses of managing, improving and maintaining the parks, and other works under the control of the board, exceed the limit of half a mill in the dollar, any provisions in the *Municipal and Assessment Acts*, or any special or private Acts relating to the city or town, to the contrary notwithstanding.

(6) The debentures may run for such period as the council thinks fit, not to exceed forty years from the date thereof, and shall be in such sums as the council sees fit, and bear interest not to exceed six per centum per annum, payable half yearly, and shall not be sold below par. They shall be issued, and a record kept of the same, as is provided with respect to other city or town debentures.

(7) Debentures issued by virtue of this Act, shall form a lien and charge upon all lands which are by this Act declared to be subject to the control and management of the board.

(8) In case of a sale, the board may sell free from the said lien, but the purchase money shall be applied to the payment of park debentures, or to the purchase of other lands for park purposes.

(9) During the currency of the debentures the council shall withhold and retain, as a first charge on the annual rate, the amount required to meet the annual interest of the debentures, and the annual sinking fund to be provided for the retirement thereof as the debentures become due; such sinking fund to be invested and dealt with, as in the case of other municipal debentures.

(10) All moneys realized or payable under this Act shall be received by the treasurer of the municipality in the same man-

ner as other funds, and by him deposited to the credit of the park fund, and shall be paid out by him on the orders of the board; save as to the amount required to meet the interest and provide a sinking fund for debentures. 46 V. c. 20, s. 17.

18. If any person does or commits any of the following Prohibitions and penalties.
acts:

1. Wilfully or maliciously hinders, or interrupts, or causes, or procures to be hindered or interrupted, the said board, or their engineers, surveyors, managers, contractors, servants, agents, workmen, or any of them in the exercise of any of the powers and authorities in this Act authorized and contained;

2. Wilfully or maliciously lets off or discharges any water so that the same runs waste or useless from, or out of any reservoir, pond, or lake connected with any such park;

3. Causes any dog or other animal to swim in the water or throws, or deposits any injurious nuisance, or offensive matter into the water in any reservoir, lake, pond, or other receptacle for water connected with any such park, or upon the ice in case such water is frozen, or in any way fouls the water, or commits any unlawful damage or injury to the works, pipes, or water, or encourages the same to be done;

4. Lays or causes to be laid any pipe or main to communicate with any pipe or main belonging to the water works connected with any such park or parks, or in any way obtains or uses any water thereof, without the consent of the board;

5. Washes or cleanses any cloth, wool, leather, skin or animals, causes any dog or other animal to swim therein, or places any nuisance or offensive thing within the distance of one mile in the case of a town, or within the distance of three miles in the case of a city, from the source of supply for such water-works, in any river, pond, creek, spring, source or fountain, from which the water for the supply of any such park or parks is taken, or conveys, casts, throws, or puts any filth, dead carcase or other noisome or offensive thing therein, or within the distance as above set forth, or causes, permits or suffers the water of any sink, sewer, or drain to run or be conveyed into the same, or causes any other thing to be done whereby the water therein may be in any way tainted or fouled;

6. Wilfully or maliciously injures, hurts, defaces, tears or destroys any ornamental or shade tree or shrub, or other plant, or any statue, fountain, vase or fixture of ornament or utility, in any street, avenue, drive, park or other public place, under the control of any such board, or wilfully, negligently or carelessly suffers or permits any horse or other animal driven by or for him, or any animal belonging to him or in his custody, possession or control, and lawfully on the street or other public place, to break down, destroy or injure any tree standing for use or ornament, in any such public park or place;

7. Wilfully or maliciously injures, hurts, or otherwise molests or disturbs any animals, birds, or fish, kept in any such park or in the lakes or ponds therewith connected ;

And if such person is convicted of any such act before a Justice of the Peace, having jurisdiction in the locality within which the offence is committed, he shall for every such offence forfeit and pay a sum not exceeding \$20, nor less than \$1, together with the costs and charges attending the proceedings and conviction ; or such offender may be imprisoned with or without hard labour, in the first instance for any term not exceeding thirty days ; and the person or persons so offending, shall be liable to an action at the suit of the board, to make good any damage done by him, her or them. 46 V. c. 20, s. 18.

Commissioners of police to detail policemen for service in the park.

19. It shall be the duty of the board of commissioners of police of the city and town, upon the request of the board of park management, to detail for service in any of the public grounds under the care of the park board, so many of the police force as the board of police commissioners may deem necessary to maintain order and protect property therein ; and any policeman on duty in the grounds may remove therefrom any person guilty of a violation of any of the provisions of this Act, or of any of the rules and regulations established by the board. 46 V. c. 20, s. 19.

Protection and powers of officers.

20. The board of park management and the officers thereof shall have the like protection in the exercise of their offices and the execution of their duties, as Justices of the Peace have under the laws of this Province ; and the watchmen and other officers of the board, when in the discharge of their duties, shall be *ex officio* possessed of all the powers and authorities of constables. 46 V. c. 20, s. 20.

Limitation of actions.

21. Any action against any person for anything done in pursuance of this Act, shall be brought within six months next after the act committed ; or in case there shall be a continuation of damages, then within one year after the original cause of action first arose. 46 V. c. 20, s. 21.

Act to be incorporated with municipal and Assessment Acts.

22. Upon the coming into operation of this Act in any municipality, it shall, as regards such municipality, be deemed to be incorporated with the Municipal and Assessment Acts for the time being affecting such municipality. 46 V. c. 20, s. 22.

Forms.

23. The forms in the schedule hereto may be used for the purposes of this Act, or any forms to the like effect, and the recitals contained in the said forms shall be deemed sufficient, any provisions of *The Municipal Act* to the contrary notwithstanding. 46 V. c. 20, s. 23.

Rev. Stat. c. 184.

SCHEDULE.

FORM A.

PETITION.

To the Municipal Council of

We, the undersigned electors of the said city of
(or as the case may be) respectfully pray that *The Public Parks Act* may be
adopted in this municipality.

46 V. c. 20, Sched. Form A.

FORM B.

BY-LAW FOR ESTABLISHING A PARK.

A By-law to provide for the adoption of *The Public Parks Act* in the
(city or town of _____ as the case may be)

Whereas _____ electors have petitioned the Council of
the said city of _____ (or as the case may be) praying for
the adoption of *The Public Parks Act*, in the municipality.

Be it therefore enacted by the municipal council of the city of
(or as the case may be), that the said Public Parks
Act be adopted in this (city or town).

And be it further enacted that the votes of the electors be taken on this
by-law on _____ the _____ day of _____
18____, commencing at nine o'clock in the morning, and continuing until
five o'clock in the afternoon at the undermentioned places. (Here insert
(1) the Ward, (2) the Polling Subdivisions, (3) the Place for holding the poll
and the name of the Deputy Returning Officer.)

That on the _____ day of _____ next, at his
office in the _____ at _____ o'clock in the _____ noon,
the mayor shall appoint in writing signed by him, two persons to attend
to the final summing up of the votes by the Clerk, and one person to at-
tend at each polling place on behalf of the persons interested in and desir-
ous of promoting the passing of this by-law, and a like number on behalf
of the persons interested in and desirous of opposing the passing of this
by-law.

That the clerk of the said municipal corporation shall attend at the
_____ at the hour of _____ o'clock in the _____ noon on
the _____ day of _____ 18____, to sum up the
number of votes given for or against the by-law.

Notice by the

The above is a true copy of a proposed by-law which will be taken into
consideration by the council of _____ after one month
from the _____ day of _____ 18____, being the date
of the first publication thereof, and the polls for taking the votes of the
electors will be held at the hour, day and places named in the said by-law.

46 V. c. 20, Sched. Form B.

FORM C.

BY-LAW FOR THE ISSUE OF PARK FUND DEBENTURES.

A by-law authorizing the issue of Debentures for the purposes of a park,
(or parks, etc., as the case may be).

Whereas a by-law of the municipal council of the city of
(or as the case may be) was passed on the day of
18 , adopting in this municipality, *The Public Parks Act* ;

And whereas a sum of \$ is required for the purposes of
acquiring lands and improving the same (or as the case may be) for the said
park, (or as the case may be) as appears by the special estimate for that
purpose furnished by the Board of Park Management to the Council ;

And whereas it will require the sum of \$ annually for
a period of years to pay the interest of the said debt and
the sum of \$ annually during said period for the forming of
a sinking fund of per centum per annum, for the payment
of the debt created by this by-law, making in all the sum of \$
annually as aforesaid ;

And whereas it is necessary that such annual sum of \$ shall
in each year during the said period be charged on the special rate men-
tioned in the section of the said Act :

Be it therefore enacted by the municipal council of the said city of
(or as the case may be) pursuant to the provisions of
The Public Parks Act :

That the mayor of the said municipality may borrow on the credit of
the said Annual Park Fund Rate as aforesaid, and may issue Park Fund
Debentures of the Corporation to that amount, in sums not less than \$100
each, and payable within years from the
date thereof, with interest at the rate of per centum per annum,
that is to say in (insert the manner of payment, whether in annual payments
or otherwise) such debentures to be payable at and to
have attached to them coupons for the payment of interest.

That during years the sum of shall be raised
and retained annually, for the payment of interest on said debentures, and
also the sum of for the purpose of forming a sinking fund of
 per centum per annum, for the payment of the principal of
the said loan of in years, making in all the sum
of to be raised and charged annually as aforesaid, on the
Special Park Fund Rate, unless the said Debentures shall be sooner paid,
for the purpose of paying the said sum of with interest
thereon as aforesaid.

46 V. c. 20, Sched. Form C.

FORM D.

FORM OF DEBENTURE.

Park Fund Debentures \$ (or £ stg.) \$ (or £ stg.)

City of (or as the case may be) Province of Ontario.

Park Fund Debenture No. Transferable.

Revised Statutes of Ontario, 1887, Chapter 190.

\$ (or £ stg.)

CANADA :

Under and by virtue of the Public Parks Act, and of a by-law No. of the corporation of the of passed under the powers in said Act contained, ,

The corporation of the promise to pay to the bearer the sum of which said sum the city of (or as the case may be) promise to pay at (insert where payable) on the day of 18 , with interest at the rate of per cent., said interest to be payable (half-yearly, or as the case may be) to the bearer of the annexed coupons or interest warrants respectively, upon the presentation thereof at the said

Dated at the 188 of this day of

Mayor.

Treasurer.

46 V. c. 20, Sched., Form D.

CHAPTER 191.

An Act to authorize Cities, Towns and Villages to provide Gas and other means of Lighting and Heating.

SHORT TITLE, s. 1.

CONSTRUCTION OF WORKS, s. 2.

POWERS AS TO LANDS, ss. 3-5.

PUBLIC HEALTH AND SAFETY NOT TO BE ENDANGERED, s. 6.

DUTY TO SUPPLY BUILDINGS, s. 7.

BY-LAWS AS TO MAINTENANCE AND MANAGEMENT, s. 8.

ENFORCING PAYMENT OF RATES, s. 9 (1, 2).

REMOVAL OF FITTINGS, s. 9 (3).

POWER TO CARRY WORKS INTO ADJOINING MUNICIPALITY, s. 10.

RESTRICTIONS AS TO LAYING MAINS, s. 11.

PROVISIONS OF OTHER ACTS INCORPORATED, ss. 12, 13.

RIGHTS PRESERVED, s. 14.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be known as "*The Municipal Light and Heat Act.*" 46 V. c. 21, s. 1.

2.—(1) The corporation of every city, town, or incorporated village shall have power to manufacture and supply, for the use of the corporation and of all persons, gas for heating, cooking, and all other purposes for which gas can be used, and to manu- Corporations of cities, etc., may construct gas works, etc.

facture and supply electric, galvanic, or any other artificial light or heat, either in connection with gas or otherwise; and for these purposes shall have power to construct, purchase, improve, extend, hold, maintain, manage and conduct any works which they may deem requisite; and shall have power to acquire any patent or other rights, for the manufacture or production of any artificial light or heat, and also to supply, sell or lease, all fittings, machines, apparatus, meters, or other things for the purposes aforesaid.

May sell coke,
etc.

(2) The corporation may sell and dispose of coke, tar, and every other product, refuse or residuum obtained in or from their said works, and any surplus coal they may have on hand.

May rent or
purchase
lands.

(3) The corporation shall have power to rent or purchase such lands and buildings as they deem necessary or advantageous for the purposes aforesaid.

Property of
corporation
exempt from
distress.

(4) No property of the corporation shall be liable to be seized for rent due to the landlord of any lands or buildings upon or in which gas, electricity or other means of lighting or heating, may be supplied by the corporation. 46 V. c. 21, s. 2.

Corporation
may break up
streets, etc.

3. The corporation, or their servants under their authority, may, for the purpose of laying down, taking up, examining, or keeping in repair the pipes or wires used for conducting the gas, electricity, or other means of lighting or heating, break up, dig, and trench in, upon, through, over and under the highways, streets, lanes, roads, squares, and other public passages and places in the municipality, or, with the consent of the owner, in, upon, through, over and under, any private property; or may, upon poles or otherwise, conduct such wires or rods along and across such streets, lanes, roads, squares and other public passages and places, or, with the consent of the owner, upon private property. 46 V. c. 21, s. 3.

Corporation
may carry
pipes and wires
through parts
of buildings to
supply other
parts.

4.—(1) Where there are buildings within the municipality the different parts whereof belong to different proprietors, or are in possession of different tenants or lessees, the corporation may carry pipes, wires or rods, to any part of any building so situated, passing over the property of one or more proprietors, or in the possession of one or more tenants, to convey the gas, electricity, or other means of lighting or heating, to the property of another, or in the possession of another.

(2) Such pipes, wires or rods shall be carried up, and attached to the outside of the building, unless consent is obtained to carry the same in the inside. 46 V. c. 21, s. 4.

May also
break up pas-
sages common
to different
proprietors.

5.—(1) The corporation may also break up and uplift all passages common to neighbouring proprietors or tenants, and dig or cut trenches therein, for the purpose of laying down pipes or wires, or taking up or repairing or examining the same, doing as

little damage as may be in the execution of the powers hereby conferred, and restoring such passages to their original condition without unnecessary delay.

(2) The corporation shall make satisfaction to any owner or tenant for all damages sustained by him in the execution of the said powers conferred by this section. 46 V. c. 21, s. 5.

6. The corporation shall construct and locate their gas and other works, and all apparatus and appurtenances thereunto belonging or appertaining, or therewith connected, and where-soever situated, so as not to endanger the public health or safety. 46 V. c. 21, s. 6. Public safety not to be endangered.

7. Where the corporation has constructed any works for supplying the municipality with gas and where there is a sufficient supply thereof, it shall be the duty of the corporation to supply with gas all buildings within the municipality situate upon land lying along the line of any supply pipe of the corporation, upon the same being requested by the owner, occupant or other person in charge of any such building. 47 V. c. 26, s. 1. Municipal corporation constructing works to supply buildings on line of supply, on request.

8. The corporation may, from time to time, make and enforce all necessary by-laws, rules, and regulations for the general maintenance and management of all works constructed or maintained under this Act, and of the officers and others employed in connection with them, and for the collection of the rates or charges for supplying gas or electricity or other means of lighting or heating hereunder, and for the rent of fittings, machines, apparatus, meters or other things leased to consumers, and for fixing such rates, charges and rents, and the times and places when and where the same shall be payable; and the corporation may allow for prepayment or punctual payment such discount as they deem expedient. 46 V. c. 21, s. 7. Power to make by-laws for maintenance and management of works.

9.—(1) The corporation may enforce payment of such rates, charges or rents by action in any Court of competent jurisdiction, or by distress and sale of the goods and chattels of the person owing such rates, charges or rents, wherever the same may be found in the municipality in which the gas, electricity or other means of lighting or heating is supplied. Power to enforce payment of rates.

(2) Such distress and sale shall be conducted in the same manner as sales are conducted for arrears of taxes, and the costs chargeable shall be those payable to bailiffs under *The Division Courts Act*. Distress and sale. Rev. Stat. c. 51.

(3) Where any consumer discontinues the use of the gas or other means of lighting or heating furnished by the corporation, or the corporation lawfully refuses to continue any longer to supply the same, the officers and servants of the corporation may at all reasonable times enter the premises in or upon Removal of fittings from premises of consumers.

which such consumer was supplied with gas, or other means of lighting or heating, for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the corporation, in or upon such premises, and may remove the same therefrom, doing no unnecessary damage. 46 V. c. 21, s. 8.

Power to carry works into adjoining municipalities.

10. A corporation possessing, or intending to construct works under this Act may, under a by-law of an adjoining municipality, whether a city, town, village or township, exercise the like powers within the adjoining municipality as it may under this Act within its own municipality, upon such terms as may be agreed upon; and the corporation of the adjoining municipality may either require to be paid a sum in gross, or annually, for such privilege or may pay a sum in gross or annually therefor. 46 V. c. 21, s. 9.

Restrictions as to laying mains in streets used for the mains of an existing company.

11. In case a gas company or any unincorporated firm or person has laid down main pipes for the supply of gas in or through any of the streets, squares or public places of a municipality the corporation shall not, without the consent of such company, firm or person first had and obtained, nor otherwise than upon payment to such company of such compensation as may be agreed upon, lay down any main pipe for the supply of gas within six feet of such companies' main pipes, or if it be impracticable to cut drains for such other main pipes at a greater distance, then as nearly six feet as the circumstances of the case will admit. This section is subject to any antecedent agreement between the company and municipal corporation. 46 V. c. 21, s. 12.

Rev. Stat. c. 164, ss. 83-93 incorporated herewith.

12. The sections numbered from 83 to 93, both inclusive, of *The Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, are hereby incorporated with this Act as if the same were repeated herein, with the substitution of "corporation" for "company" wherever "company" occurs in the said sections. 46 V. c. 21, s. 10.

Rev. Stat. c. 192, ss. 38-45 incorporated herewith.

13. The sections numbered from 38 to 45, both inclusive, of *The Municipal Water-works Act*, are also hereby incorporated with this Act as if the same were repeated herein, with the substitution of "gas or other" for "water" where "water" occurs in the said sections, except in the fourteenth line of section 43 where "gas or other light or heat" shall be substituted for the said word "water." 46 V. c. 21, s. 11.

Rights conferred by special Acts preserved.

14. Nothing in this Act shall be construed to diminish the rights of any company under any special Act, or of any unincorporated owners or owner of existing gas works for the supply of gas to any municipality. 46 V. c. 21, s. 13.

CHAPTER 192.

An Act to provide for the construction of Municipal Waterworks.

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| SHORT TITLE, s. 1. | PROHIBITIONS AND PENALTIES, SS. 32-34. |
| CONSTRUCTION OF WORKS, s. 2. | MONEY BORROWED TO BE A CHARGE ON WORKS, s. 35. |
| POWERS AS TO LANDS, SS. 3-12. | APPLICATION OF REVENUE, s. 36. |
| COMPENSATION FOR DAMAGES, s. 13. | PURCHASE OF EXISTING WORKS, s. 37. |
| PROPERTY VESTED IN CORPORATION, s. 14. | COMMISSIONERS MAY BE APPOINTED, s. 38. |
| MAINS AND SERVICE PIPES, SS. 15-17. | Number and qualification, s. 39. |
| INSPECTION OF PREMISES, s. 18. | Salary, s. 40. |
| REGULATION OF USE OF WATER AND OF RATES, s. 19. | Not to be interested in contracts, s. 41. |
| BY-LAWS FOR MAINTENANCE AND MANAGEMENT, s. 20. | Council may assume work, s. 42. |
| COLLECTION OF RATES, SS. 21, 22. | Accounts, s. 43. |
| PROTECTION AND POWERS OF OFFICERS, s. 23. | Oaths of office and records of proceedings, s. 44. |
| LIMITATION OF ACTIONS, s. 24. | Rates to be paid over to Municipal Treasurer, s. 45. |
| NON-LIABILITY FOR BREAKAGE OR STOPPAGE, s. 25. | CONSTRUCTION OF MINOR WATER WORKS, s. 46. |
| EXEMPTION FROM EXECUTION AND TAXATION, SS. 26, 27. | RENTING HYDRANTS, s. 47. |
| SUPPLYING WATER OUTSIDE OF MUNICIPALITY, s. 28. | CONSTRUCTION OF WORKS ON PETITION OF ELECTORS, SS. 48-50. |
| SALE OF PROPERTY, s. 29. | ACT TO BE READ WITH MUNICIPAL ACTS, s. 51. |
| RESTRICTION AS TO CONTRACTS, s. 30. | |
| LIABILITY OF PERSONS DAMAGING WORKS, s. 31. | |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Municipal Water-works* Short title. *Act.*" 45 V. c. 25, s. 1.

2. The corporation of every township, city, town or incorporated village shall have power to construct, build, purchase, improve, extend, hold, maintain, manage and conduct water-works, and all buildings, materials, machinery and appurtenances thereto belonging, in the municipality and in the neighbourhood thereof as hereinafter provided. 45 V. c. 25, s. 2; 50 V. c. 29, s. 48.

Corporations of Cities, etc., may construct water works.

3. The corporation shall have power to employ engineers, surveyors and such other persons, and to rent, with such conditions, covenants and stipulations as the corporation shall deem requisite or necessary, or purchase, at the option of the

Powers.

corporation, such lands and buildings, waters and privileges as in their opinion may, during the construction or at any future time, be necessary to enable them to fulfil their duties under this Act. 45 V. c. 25, s. 3.

Power to enter on lands and appropriate streams, etc.

4. The corporation, their engineers, surveyors, servants and workmen, from time to time, and at such times as the corporation shall see fit, may enter into and upon the lands of any persons, bodies politic or corporate, in the municipality or within ten miles thereof, and may survey, set out and ascertain such parts thereof as are required for the purposes of the water-works, and may divert and appropriate any river, ponds of water, springs or stream of water therein, as any engineer, surveyor or other person authorized in this behalf by the corporation shall judge suitable and proper for the said purposes, and may contract with the owner or occupier, of the said lands, and those having a right or interest in the said water, for the purchase or renting thereof, or of any part thereof, or of any privilege that may be required for the purpose of the water-works, at the option of the corporation. 45 V. c. 25, s. 4.

Arbitration.

5. In case of any disagreement between the corporation and the owners or occupiers or any other person interested in such lands, or any person having an interest in the said water or the natural flow thereof, or in any such privilege as aforesaid, respecting the amount of purchase or yearly rental or value thereof, or as to the damages such appropriation will cause or otherwise, the same shall be decided by arbitration, in accordance with the provisions of *The Municipal Act*, and as hereinafter provided. 45 V. c. 25, s. 5.

Rev. Stat. c. 184.

Provision in case of infant owners, etc.

6.—(1) In case the owner or occupier is an infant, an idiot, or an insane person, or is absent from this Province, or in case the lands or water privileges are mortgaged or pledged to any person, the Judge of the County Court of the county in which the municipality constructing the water-works is situated, on application being made to him for that purpose by the corporation, and upon proof of notice of the application having been served or given as is hereinafter provided, shall nominate and appoint three indifferent persons as arbitrators.

(2) The award of the majority of the arbitrators in writing shall be binding on all parties concerned, as fully as if all had joined therein. 45 V. c. 25, s. 6.

Payment of award.

7.—(1) Any sum so agreed upon or awarded shall, in case of purchase, be paid within three months from the time agreed upon, or from the date of the award, as the case may be; and in case of renting, the rent agreed upon or awarded shall be paid at the times agreed upon, or fixed in the award, but in either case, if a motion is made to amend or set aside the award, payment may be delayed until the determination of the motion.

(2) In default of such payment, the proprietor may resume possession of his property, and all his rights shall thereupon revive. 45 V. c. 25, s. 7.

8.—(1) In case the person to whom damages are awarded is an infant, an idiot, or an insane person, or is absent from the Province, or refuses to accept the amount awarded, the corporation may pay the same with interest to the committee of the person under any of the said disabilities, or may pay the same with interest into the High Court to the credit of such person, and such payment shall be a sufficient payment by the corporation. Payment into Court in certain cases.

(2) Any notice required to be served on any person under any of the said disabilities shall be served on the person in whose care or under whose custody or control the person may be.

(3) If any person so required to be served is absent from the Province, or cannot be found, notice may be given by publishing the same for such time in the *Ontario Gazette* and in one paper published in the county in which the said lands lie, as may be ordered by the High Court or a Judge thereof. 45 V. c. 25, s. 8.

9. The lands, privileges, and water, so ascertained, set out or appropriated by the said corporation, for the purposes thereof as aforesaid, shall, upon payment of the said moneys to the person entitled thereto, or into Court as aforesaid, be vested in the corporation in fee simple, except where the lands, privileges or water are rented, in which case the term and possession shall be as agreed upon by the respective parties or as awarded by the arbitrators, but the corporation shall have power at the end of the term, or during the last year thereof, to again rent or to purchase such lands, privileges or water, at the option of the corporation, at a rental or price to be again ascertained and determined in manner aforesaid. 45 V. c. 25, s. 9. Lands, etc., on payment vested in corporation.

10. The corporation may construct, erect and maintain, in and upon the said lands, all reservoirs, water-works, and machinery requisite for the undertaking, and for conveying the water thereto and therefrom, in, upon, and through any lands lying intermediate between the said reservoirs and water-works and the springs, streams, rivers, ponds, or waters from which the same are procured and the municipality, by one or more lines of pipes, as may from time to time be found necessary. 45 V. c. 25, s. 10. Construction of necessary works

11.—(1) The corporation, and their servants under their authority, may for the said purposes enter and pass upon and over the said lands, intermediate as aforesaid, and the same may cut and dig up, if necessary, and may lay down the said pipes Power to enter on intermediate lands.

through the same, and in, upon, through, over, and under the highways, streets, lanes, roads, or other passages within the municipality, or within ten miles thereof, and in, upon, through, over, and under the lands and premises of any person or persons, bodies corporate or politic, within the municipality.

(2) All lands, not being the property of the municipality, and all highways, roads, streets, lanes, or other passages so dug up, or interfered with, shall be restored to their original condition without unnecessary delay.

(3) The corporation may set out, ascertain, purchase in manner aforesaid, use and occupy such parts of the said lands as the said corporation may think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering or repairing the same, and for distributing water to the inhabitants of the municipality, or for the uses of the corporation, or of the proprietors or occupiers of the land through or near which the same may pass. 45 V. c. 25, s. 11.

Power to lay down pipes, etc.

12. For the purpose of distributing water as aforesaid the said corporation may sink and lay down pipes, tanks, reservoirs and other conveniences, and may from time to time alter all or any of the said works, as well in the position as in the construction thereof, as they may consider advisable. 45 V. c. 25, s. 12.

Compensation for damage.

13. The said corporation shall do as little damage as may be in the execution of the powers by this Act granted to them, and shall make reasonable and adequate satisfaction to the proprietors and others whose property is entered upon, taken or used by the corporation, or injuriously affected by the exercise of its powers, to be ascertained as provided in like cases in *The Municipal Act*. 45 V. c. 25, s. 13.

Rev. Stat. c. 184.

Property vested in corporation.

14. All water-works, pipes, erections, and machinery requisite for the said undertaking shall likewise be vested in and be the property of the corporation of the municipality constructing the said works. 45 V. c. 25, s. 14.

Pipes may be carried across railways.

15. The council of the corporation may pass by-laws for laying down in, through, across, under, or along the railway and lands of any railway company, in respect of which this Legislature has authority in this behalf, any main pipe belonging or necessary to any water-works which the corporation of the municipality is authorized to construct, and for entering upon, breaking up, taking or using such land in any way necessary or convenient for the said purpose, but subject to the terms and restrictions contained in *The Railway Streets and Drains Act*. 45 V. c. 25, s. 15.

Rev. Stat. c. 199.

16.—(1) Service pipes which may be required shall be constructed and laid down up to the outer line of the street by the corporation, and the corporation shall be solely responsible for keeping the same in repair. Service pipes.

(2) In cases where a vacant space intervenes between the outer line of the street and the wall of the building or other place into which the water is to be taken, the corporation may, with the consent of the owner, lay the service pipes across such vacant space and charge the cost thereof to the owner of the premises, or the owner may himself lay the service pipes, provided the same is done to the satisfaction of the corporation or person appointed by them in that behalf.

(3) The expense incidental to the laying and repairing, as hereinafter provided, of the service pipes if laid or repaired by the corporation (except the repairing of the service pipes from the main pipe to the outer limit of the street as aforesaid, which shall be borne solely by the corporation), or of superintending the laying or repairing of the same if laid or repaired by any other person, shall be payable by the owner on demand to the corporation, or if not so paid, may be collected forthwith in the same manner as water-rates: provided that in no case shall the expense of superintending the laying or repairing of such service, if laid or repaired by any other person as aforesaid, exceed one dollar. 45 V. c. 25, s. 16.

17.—(1) The service pipes from the line of street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stopcocks and apparatus placed therein by the corporation shall be under their control, and if any damage is done to this portion of the service pipe or its fittings either by neglect or otherwise, the occupant or owner of the lands shall forthwith repair the same to the satisfaction of the corporation; and, in default of his so doing, whether notified or not, the corporation may enter upon the lands where the service pipes are, and by their officers, servants, or agents repair the same, and charge the same to the owner of the premises, as hereinbefore provided. Service pipes to be under control of corporation.

(2) The stopcock placed by the corporation inside the wall of the building shall not be used by the water tenant, except in cases of accident, or for the protection of the building or the pipes, and to prevent the flooding of the premises.

(3) Parties supplied with water by the corporation may be required to place only such taps for drawing and shutting off the water as are approved of by the corporation. 45 V. c. 25, s. 17.

18. Any person authorized by the corporation for that purpose, shall have free access, at proper hours of the day, and upon reasonable notice given and request made, or, in case of the written authority of one of the commissioners given in re- Inspection of premises.

spect of the special case, without notice, to all parts of every building or other premises in which water is delivered and consumed, for the purpose of inspecting or repairing as aforesaid, or for placing meters upon any service pipe or connection within or without any house or building as they may deem expedient, and for this purpose, or for the purpose of protecting or of regulating the use of such meter, may set or alter the position of the same, or of any pipe, connection, or tap, and may fix the price to be paid for the use of such meter, and the times when, and the manner in which the same shall be payable, and may also charge for and recover the expenses of such alterations; and such price, and the expense of such alterations may be collected in the same manner as water-rates. 45 V. c. 25, 18.

Regulation of
use of water
and of rates.

19.—(1) The corporation shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof, and the times of payments; and they may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner, and for what purposes the same shall be used, all which they may change at their discretion, and may fix the rate or rent to be paid for the use of the water by hydrants, fireplugs, and public buildings.

(2) The sum payable by the owner or occupant of any house, tenement, lot, or part of a lot for the water supplied to him there, or for the use thereof, and all rates, costs and charges by this Act to be collected in the same manner as water-rates, shall be a lien and charge on the house, tenement, lot, or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are by law recoverable. 45 V. c. 25, s. 19.

Power to make
and enforce
by-laws for
maintenance
and manage-
ment of works.

20.—(1) The corporation may from time to time make and enforce necessary by-laws, rules and regulations for the general maintenance or the management or conduct of the water-works and of the officers and others employed in connection with them, not inconsistent with this Act, and for the collection of the water-rent and water-rate, and for fixing the time and times when, and the places where the same shall be payable.

(2) And also for allowing a discount for prepayment, and in case of default of payment may enforce payment by shutting off the water, or by action in any Court of competent jurisdiction, or by distress and sale of the goods and chattels of the owner or occupant, or of any goods and chattels in his possession, wherever the same may be found in the municipality, or of any goods and chattels found on the premises, the property of or in the possession of any other occupant of the premises; but where the arrears exceed one quarter, no distress

shall be made of any goods and chattels which are not the property of the person liable for the water rate.

(3) The distress and sale may be conducted in the same manner as sales are conducted for arrears of taxes, and the costs chargeable shall be those payable to bailiffs under *The Division Courts Act*. 45 V. c. 25, s. 20. Rev. Stat. c. 51.

21.—(1) The attempt to collect the rates by any process hereinbefore mentioned shall not in any way invalidate the lien upon the premises as hereinbefore provided. Lien for rate not invalidated by attempt to collect same

(2) In the event of the rate remaining uncollected and unpaid, and continuing a lien upon the said premises as aforesaid, the amount of the rate so in arrears shall be returned by the collectors to the treasurer of the municipality annually, on or before the eighth day of April, in each and every year, or such other time as may be fixed by the corporation by by-law in that behalf, and the same, together with interest at the rate of ten per cent per annum thereon, shall thereupon be collected by the treasurer by the sale of the lands and premises in the same manner and subject to the same provisions as in case of the sale of non-resident lands for arrears of municipal taxes. 45 V. c. 25, s. 21.

22. The corporation shall have power to employ the ordinary collectors and assessors, and such other persons as in their opinion may be necessary to carry out the objects of this Act, and to specify their duties, and to fix their compensation: and all such persons shall hold their offices at the pleasure of the corporation, or as the corporation shall determine by by-law in that behalf, and shall give such security as the corporation shall from time to time require, and such assessors and collectors shall have as full power in the performance and enforcement of the matters to them committed as the assessors and collectors of the municipality may by law possess and enjoy in respect of municipal taxes. 45 V. c. 25, s. 22. Power to employ collectors and others.

23. The corporation and their officers shall have the like protection in the exercise of their respective offices and the execution of their duties as Justices of the Peace now have under the laws of this Province: and the watchman and other officers of the corporation, when in the discharge of their duties, shall be *ex officio* possessed of all the powers and authority of constables. 45 V. c. 25, s. 23. Protection and powers of officers.

24. If an action be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of action first arose. 45 V. c. 25, s. 24. Limitation of actions.

Non-liability
for breakage
or stoppage.

25. The corporation of the municipality shall not be liable for damages caused by the breaking of any service pipes or attachment, or for any shutting off of any water to repair mains or to tap the mains, if reasonable notice of the intention to shut off the water is given whenever the same is shut off more than six hours at any one time. 45 V. c. 25, s. 25.

Property
exempt from
execution.

26. All materials procured or partly procured under contract with the corporation, and upon which the corporation shall have made advances in accordance with such contract, shall be exempt from execution. 45 V. c. 25, s. 26.

Property
exempt from
taxation.

27. The lands, buildings, machinery, reservoirs, pipes, and all other real or personal property connected with, or appertaining, or belonging to the water-works, shall be exempt from municipal taxation. 45 V. c. 25, s. 27.

Power to sup-
ply water out-
side of munic-
ipality.

28. The said corporation shall have power and authority to supply, upon special terms, any corporation, or persons with water, although not resident within the municipality, and may exercise all other powers necessary to the carrying out of their agreement with such corporation or persons, as well within the suburbs of as within the municipality, and they may also from time to time make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory: provided that where such water is to be supplied in another municipality which itself possesses water-works, no pipes for this purpose shall be carried in, upon, through, over or under any highway or public street, lane, road or passage within such other municipality without the consent of the council of such municipality; the agreement may be for a term of years or otherwise as may be agreed on. 45 V. c. 25, s. 28.

Proviso.

Power to sell
any property
when no longer
required.

29.—(1) The corporation may dispose of any real or personal property acquired by them for water-works purposes when no longer required, and until sold, may rent or lease the same; any property so sold shall be free from any charge or lien on account of any debentures issued by the corporation, but the proceeds of the sale shall be added to and form part of the fund for the redemption and payment of any debentures constituting a charge thereon, or should no such debentures then exist, then the said proceeds shall form part of the general funds of the corporation, and may be applied accordingly.

(2) In case credit is given for any portion of the purchase money of such real property the corporation may take security, by way of mortgage to secure the same, and the corporation shall have all the rights, powers, and remedies expressed in or implied by any mortgage given, as fully as if the mortgage, had been given to a private person and every such mort-

gage, and the proceeds thereof, shall stand as security for any debentures, constituting a charge on the real property, at the time of sale. 45 V. c. 25, s. 29.

30. No member of the council of the municipality shall personally have or hold any contract in connection with said works or be directly or indirectly interested in the same or any of them, but no person shall be held to be disqualified from being elected or sitting as a member of the council of the corporation by reason of his being a taker or consumer of water supplied by the corporation, or by reason of any dealing or contract with the corporation with reference to the supply of water to such person. 45 V. c. 25, s. 30.

No member of council to be interested in any contract.

31. All persons and corporations who shall by themselves, their servants or agents, by act, default, neglect or omission, occasion any loss, damage or injury to the water-works of any municipal corporation, or to any plant, machinery, fitting or appurtenances thereof, shall be liable to the corporation for or in respect of such damage, loss, or injury; and damages in respect thereof may be recovered by the corporation in any Court of competent jurisdiction. 45 V. c. 25, s. 31.

Liability of persons doing damage.

32.—(1) The corporation may make such by-laws as to the council shall seem requisite for prohibiting, by fine, not exceeding \$20 and costs, or by imprisonment in the first instance, for any term not exceeding one month, any person, being tenant, occupant, or inmate of any house, building or other place supplied with water from the water-works, from lending, selling or disposing of the water thereof, from giving it away, or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than his, her, or their own use and benefit, or from increasing the supply of water agreed for with the corporation, or from wrongfully neglecting or improperly wasting the water.

Power to make by-laws prohibiting wrongful use of water and regulating supply.

(2) And may also make by-laws for regulating the time, manner, extent and nature of the supply by the works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing related to or connected therewith, which it may be necessary or proper to direct, regulate, or determine, in order to secure to the inhabitants of the municipality a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the corporation with regard to the water so supplied.

(3) The amount of the fine, the duration of the imprisonment, and also the option between fine and imprisonment, shall be in the discretion of the Justice of the Peace before whom any proceedings may be taken for the enforcement of such by-law. 45 V. c. 25, s. 32.

Prohibitions
and penalties.

33. If any person does or commits any of the following acts :

1. Wilfully or maliciously hinders or interrupts, or causes, or procures to be hindered or interrupted the said corporation, or their managers, contractors, servants, agents, workmen, or any of them in the exercise of any of the powers and authorities in this Act authorized and contained ;

2. Wilfully or maliciously lets off or discharges water, so that the same runs waste or useless, out of the works ;

3. Not being in the employment of the corporation, and not being a member of the fire brigade and duly authorized in that behalf, wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stopcock, chamber, pipe, or hydrant-chamber, by placing on it any building-material, rubbish, or other obstruction ;

4. Throws or deposits any injurious, noisome or offensive matter into the water or water-works, or upon the ice, in case such water is frozen, or in any way fouls the water or commits any wilful damage or injury to the works, pipes, or water, or encourages the same to be done ;

5. Wilfully alters any meter of the water-works placed upon any service pipe or connected therewith, within or without any house, building or other place, so as to lessen or alter the amount of water registered thereby, unless specially authorized by the corporation for that particular purpose and occasion ;

6. Lays or causes to be laid any pipe or main to communicate with any pipe or main of the water-works, or in any way obtains or uses any water thereof without the consent of the corporation ;

7. Washes or cleanses cloth, wool, leather, skin or animals, or places any nuisance or offensive thing within the distance of one mile in the case of a village or town, or within the distance of three miles in the case of a city from the source of supply for such water-works, in any river, pond, creek, spring, source or fountain from which the water of the water-works is obtained, or conveys, casts, throws or puts any filth, dirt, dead carcase, or other noisome or offensive thing therein, or within the distance as above set forth, or causes, permits, or suffers the water of any sink, sewer or drain to run or be conveyed into the same, or causes any other thing to be done whereby the water therein may be in any way tainted or fouled.—

and such person is convicted of such act before a Justice of the Peace having jurisdiction in the locality within which the offence is committed, he shall, for every such offence, forfeit and pay a sum not exceeding \$20 nor less than \$1, together with the costs and charges attending the proceedings and conviction, or such offender may be imprisoned in the first instance for any term not exceeding thirty days. 45 V. c. 25, s. 33.

34. The penalties in money under this Act, or any portion of them which may be recovered, shall be paid to the convicting Justice, and by him paid, one-half to the treasurer of the corporation, and the other half to the prosecutor, unless the prosecutor is the servant or officer of the corporation, in which case the whole of the penalty shall be paid to the corporation. 45 V. c. 25, s. 34. Application of penalties.

35. The water-works erected or constructed, and also the lands acquired for the purpose thereof, and every matter and thing therewith connected, shall be specially charged with the repayment of any sum or sums which may be borrowed by the corporation for the purposes thereof, and for any debentures which may be issued therefor, and the holders of such debentures shall have a preferential charge on the said lands, water-works, and the property appertaining thereto, for securing the payment of the debentures and the interest thereon. 45 V. c. 25, s. 35. Money loaned to be a charge on water-works.

36. After the construction of the works, all the revenues arising from or out of the supplying of water, or from the real or personal property connected with the water-works to be acquired by the corporation under this Act, shall, after providing for the expenses attendant upon the maintenance of the water-works, subject, however, to the provisions contained in the next preceding section, form part of the general funds of the corporation, and may be applied accordingly. 45 V. c. 25, s. 36. Application of revenue.

37. The corporation of any township, city, town, or incorporated village may purchase any water-works constructed within or in the neighbourhood of the municipality, and being the property of any person or company, and, under the provisions of this Act, may improve and extend such water-works. 45 V. c. 25, s. 37; 50 V. c. 29, s. 48. Power to purchase existing works.

38.—(1) The council of the township, city, town, or village may itself, or by its officers, exercise and enjoy the powers, rights, authorities and immunities hereby conferred upon the corporation of such municipality, or such council may, either before the commencement of the works, or at any time while they are in course of construction, or after their completion, by by-law, assented to by the electors of the municipality, provide for the election of commissioners for such purpose. Council may exercise powers hereby conferred or may elect commissioners.

(2) Upon the election of commissioners, all the powers, rights, authorities, or immunities which, under this Act, might have been exercised or enjoyed by the council and the officers of the corporation acting for the corporation, shall and may be exercised by the commissioners and the officers appointed by the commissioners, and the council thenceforth during the continuance of the board of commissioners shall have no authority in respect of such works.

(3) But any officer or employee appointed or employed by the council in or about the construction or management of the works, shall be continued until removed by the commissioners unless his engagement shall sooner terminate.

(4) Nothing herein contained shall be construed to divest the council of its authority with reference to the providing of moneys required in respect of such works, and the treasurer of the municipality shall, upon the written certificate of the commissioners, pay out any moneys so provided. 45 V. c. 25, s. 38; 50 V. c. 29, s. 48.

Number and
qualification
of commis-
sioners.

39.—(1) The commissioners shall consist of a board of not less than three and not more than five, of whom the head of the council shall *ex officio* be one, and the remainder of whom shall be elected annually at the same time and in the same manner as the head of the council, except where a vacancy from any cause occurs on the board, when a commissioner, who shall hold office during the remainder of the term for which his predecessor was appointed, shall be immediately appointed by the said council.

(2) A majority of the commissioners shall constitute a quorum for the transaction of any business within the authority of the board.

(3) Each of the commissioners so elected or appointed shall, during the whole period of his term of office, have the same property qualification as is required for a member of the council of the corporation.

(4) Every commissioner shall, before taking office, make an oath of qualification before some Justice of the Peace, and shall file such oath with the clerk of the municipality.

(5) The place of a commissioner shall become vacant from the same causes as the seat of a member of the council of the corporation. 45 V. c. 25, s. 39.

Salary of com-
missioners.

40. The salary, if any, of the commissioners, both during the progress of the works and after their completion, shall from time to time be fixed by the council, but no member of the council, except the head thereof, shall at the same time, be a member of the board of commissioners. 45 V. c. 25, s. 40.

No commis-
sioner to be
interested in
any contract.

41. No commissioner appointed as aforesaid shall personally have or hold any contract in connection with the said works, or be directly or indirectly interested in the same, or any of them. 45 V. c. 25, s. 41.

Where work
entrusted to
commissioner
council may
assume same.

42. The council of the municipality, in case the construction of the works be entrusted to commissioners, may, by by-law assented to by the electors of the municipality, at any time assume the work, remove the commissioners, apportion their current year's salary, and proceed with and manage the works,

and, in such case, all the rights, powers, authorities, immunities, duties and liabilities then belonging to the commissioners, shall be transferred to and vested in the council, but any officer or employee appointed or employed by the commissioners in or about the construction or management of the works, shall be continued until removed by the council, unless his engagement shall sooner terminate. 45 V. c. 25, s. 42.

43.—(1) The commissioners shall keep, or cause to be kept separate books and accounts of the receipts and disbursements for and on account of the water rates, distinct from the books and accounts relating to the other property, funds, or assets, belonging to the water-works; and all such books shall be open to the examination of any person appointed for that purpose by the council. Accounts to be kept by commissioners.

(2) The commissioners, on or before the fifteenth day of January, in each year, or upon such other day as the council may name, shall cause a return to be made to the council containing a statement of the affairs of the water-works, which shall shew the amount of the rents, issues, and profits, arising from the water-works, and the number of tenants supplied with water, during the previous year; the extent and value of the moveable and immoveable property belonging to the water-works; the amount of debentures then issued and remaining unredeemed, and uncanceled, and the interest paid thereon, or yet due and unpaid, and the state of the sinking fund; the expenses of collection and management, and all other contingencies; the salaries of officers and servants; the costs of repairs, improvements and alterations; the prices paid for the acquisition of any real estate that may have been acquired for the use of the water-works; and generally, such a statement of the revenue and expenditure of the water-works, as will at all times afford to the ratepayers a full and complete knowledge of the state of affairs of the water-works.

(3) The commissioners shall also, from time to time, furnish such information as may be required by the council.

(4) All the accounts relating to the water-works shall be audited by the auditors of the corporation in regular course, and the commissioners and all their officers shall furnish to the auditors such information and assistance as may be in their power, to enable the auditors to properly audit such accounts. 45 V. c. 25, s. 43.

44. The commissioners, and the clerks employed in their revenue service, shall be sworn before a Justice of the Peace, to the faithful performance of their duties; the commissioners shall keep a book for the purpose of recording the whole of their official proceedings; and such book shall be open for inspection in the same manner as the books mentioned in the next preceding section. 45 V. c. 25, s. 44. Oaths of office and records of proceedings.

Rates to be paid to municipal treasurer.

45. All water rents and water rates, when collected, less disbursements by the commissioners, shall, quarterly, or so much oftener as the council may direct, be paid over by the commissioners to the municipal treasurer, and shall be by him placed to the credit of the water-works account. 45 V. c. 25 s. 45.

Construction of minor water-works.

46.—(1) Where water-works, for the benefit of a portion only of the municipality, are desired by the owners of any real property in any township, city, town, or incorporated village, the council, on the petition of the owners of the real property to be served, may pass by-laws for the construction of such water-works, and for assessing and levying upon such real property a special rate, sufficient to include a sinking fund for the repayment of debentures, which such council is hereby authorized to issue on the security of such rate, to provide funds for the construction of such water-works, and shall pass by-laws for so assessing and levying the same by an annual rate in the dollar on the said real property according to the frontage thereof, or according to the value thereof, exclusive of improvements, as may be desired by the petitioners.

(2) The council may also pass by-laws for the management of such works, and may appoint such officers as are required therefor.

(3) The water shall be supplied to the said owners and their tenants at such rates as the council may consider requisite to cover the cost of keeping up the works and managing the same; and a separate account shall be kept of all moneys received or expended on account of the works, so that the owners of the real property and their tenants shall be charged with all expenses and shall obtain the benefit of all receipts on account of the works, and such charges shall, from time to time, be increased or decreased, so that such owners and tenants may obtain the benefit of any excess of receipts from this source for the previous year, or may be charged with any deficiency.

(4) In case any person, subsequent to their construction desires to receive the benefit of the works, the council may permit him to do so upon such terms as the council may deem just, and may either direct that such person shall be charged for water at a higher rate, which rate the council shall fix, or may pass such by-laws as may be required to charge the property to be served of such person with its proper share of the cost of such works, and for giving the other proprietors the benefit thereof.

(5) In case a person is dissatisfied with any action of the council under the last preceding sub-section, he may at any time within one month from the passing of the by-law com-

plained of, appeal to the Judge of the County Court of the county in which the municipality is situated, who, upon notice to the parties, or such of them as he may consider necessary to represent the various interests, shall confirm such by-law, or direct the same to be varied, and the council, in the event of the Judge deciding that the by-law should be varied, shall vary the same accordingly. 45 V. c. 25, s. 46 ; 50 V. c. 29, s. 48.

47.—(1) In case there are in any township, city, town, or incorporated village, water-works under the control of any person or company, the municipal council, upon the petition of at least two-thirds of the freeholders and householders resident in any street, square, alley or lane, or part of a street, square, alley or lane, representing in value one-half of the assessed property therein, may pass by-laws for raising such sums as may be necessary for renting, or erecting and renting, hydrants to be used for the protection of such property, and whatever may be thereon, from fire, and for the use of the owners and their tenants for such other purposes as may be desired, or agreed upon, by means of a special rate on the said real property, according to the assessed value thereof.

Provision for
renting or
erecting and
renting
hydrants.

(2) If only part of the street, square, alley or lane, is to be included in the assessment the council may exclude from the assessment, property the owners whereof object to being assessed, if such property is situated at a greater distance from the hydrant nearest thereto, than is the property of every person signing the petition, and the council considers it unfair that such property should be assessed.

(3) If hydrants erected under this section are used for the general purposes of the municipality the corporation shall contribute for such use a fair amount out of the general funds, in relief of the said special rate, or make some other equitable allowance to the persons liable to such rate, in lieu of such contribution. 45 V. c. 25, s. 47 ; 50 V. c. 29, s. 48.

48. In case a petition, signed by two hundred qualified electors in incorporated towns, or by one hundred qualified electors in incorporated villages or in rural municipalities, is presented to the council of such town, incorporated village or rural municipality, asking for the construction of water-works under the powers conferred on municipal corporations by this Act :

Petition for
construction
of water
works.

1. It shall be the duty of such council to submit a by-law for the construction of such water-works, to the vote of the ratepayers of the said town, incorporated village or municipality, and such council shall, forthwith, prepare a by-law directing the submission of the question, in accordance with the prayer of the petitioners, or in such form as may be approved by the vote of two-thirds of the members of such council, and shall submit the same to the electors for approval, or otherwise, within six weeks after the receipt of the petition by the council :

2. The council before submitting the by-law may require the petitioners to deposit with the treasurer of the municipality an amount sufficient to cover the probable cost of submitting the by-law to the electors, but not exceeding the sum of \$150 ;

3. In the event of the by-law receiving the sanction and consent of a majority of the electors of the municipality, then the money so deposited shall be forthwith refunded to the petitioners ;

4. Should the by-law be rejected by a majority of the electors of the municipality, then the money so deposited shall be forfeited to the municipality, or so much thereof as may be necessary to cover the costs of submitting the by-law ;

5. The power of municipal councils shall not be deemed to be abridged by this Act, except as expressly stated herein ;

6. The proceedings in taking the vote and the persons having a right to vote, shall be the same as nearly as may be, as are required by *The Municipal Act*, in case of by-laws creating debts. 50 V. c. 29, s. 51.

Rev. Stat.
c. 184.

If by-law approved council
to construct
works.

49. If the by-law be approved of by the majority of the electors, it shall be the duty of the council to pass the by-law ; and forthwith to proceed with the construction of the works, provided always that the council may for any good cause, if deemed expedient by a vote of two-thirds of its members, hold the works in abeyance until after the next general municipal election. 50 V. c. 29, s. 52.

Rev. Stat.
c. 184.
Provisions
respecting
elections to
preceding two
sections.

50. All provisions of *The Municipal Act*, in so far as they apply to elections, and to the prevention of corrupt practices at elections shall apply to the preceding two sections, except so far as such Act would be inconsistent therewith. 50 V. c. 29, s. 53.

Act to be
incorporated
with Municipal
Acts.

51. This Act shall be deemed to be incorporated with, and shall be construed as part of the Municipal Acts now, and from time to time in force. 45 V. c. 25, s. 48.

3. ASSESSMENT OF PROPERTY.

CHAP. 193.—ASSESSMENT OF PROPERTY, p. 2083.

CHAPTER 193.

An Act respecting the Assessment of Property.

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| PRELIMINARY PROVISIONS, ss. 1-5. | Deed to be valid if sale valid though statute authorizing it be repealed, s. 190. |
| PROPERTY LIABLE TO TAXATION, ss. 6-11. | Right of entry adverse to purchaser in possession not to be conveyed, s. 191. |
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| Duties of Assessors, s. 14. | Costs when value of land and improvements alone in question, s. 197. |
| Mode of assessing real property, ss. 15-30. | Lien of tax purchaser for purchase money when title invalid, s. 198. |
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| By non-residents, s. 77. | NON-RESIDENT LAND FUND, ss. 210-221. |
| CERTIFIED COPY OF ASSESSMENT ROLL TO BE EVIDENCE, s. 66. | ARREARS TO FORM ONE CHARGE ON LAND, s. 222. |
| EQUALIZATION OF ASSESSMENTS, ss. 78-86. | RESPONSIBILITY OF OFFICERS, ss. 223-250. |
| STATUTE LABOUR, ss. 87-118. | MISCELLANEOUS, ss. 251-253. |
| COLLECTION OF RATES: | |
| Appointment of collectors, ss. 12, 13. | |
| Collectors' roll, ss. 119-121. | |
| Collectors' duties, ss. 122-137. | |
| LIST OF LANDS GRANTED, ETC., BY THE CROWN, ss. 138, 139. | |
| ARREARS OF TAXES: | |
| Duties of treasurers, clerks and assessors, ss. 140-159. | |
| Sale of lands for taxes, ss. 160-172. | |
| Certificate of sale and deed, ss. 173-188. | |
| Deed binding unless questioned within two years, s. 189. | |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PRELIMINARY PROVISIONS.

- Short Title. 1. This Act may be cited as "*The Assessment Act*." R. S. O. 1877, c. 180, s. 1.
- Interpretation clause. 2. Where the words following occur in this Act or the schedules thereto, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears :
- "Gazette." 1. "Gazette" shall mean the *Ontario Gazette* ;
- "Township." 2. "Township" shall include a union of townships, while such union continues ;
- "County Council." 3. "County Council" shall include provisional county council ;
- "Town." 4. "Town" and "Village" shall mean respectively incorporated town and village ;
- "Village." 4. "Town" and "Village" shall mean respectively incorporated town and village ;
- "Ward." 5. "Ward," unless so expressed, shall not apply to a township ward ;
- "Municipality." 6. "Municipality" shall not include a county. R. S. O. 1877, c. 180, s. 2 (1-6).
- "Local municipality." 7. "Local municipality" shall mean and include a city, town, incorporated village or township, as the case may be. 48 V. c. 42, s. 2 (3).
- "Property." 8. "Property" shall include both real and personal property as hereinafter defined. R. S. O. 1877, c. 180, s. 2 (9).
- "Land." 9. "Land," "Real Property," and "Real Estate," respectively, shall include all buildings or other things erected upon or affixed to the land, and all machinery or other things so fixed to any building as to form in law part of the realty, and all trees or underwood growing upon the land, and land covered with water, and all mines, minerals, quarries and fossils in and under the same, except mines belonging to Her Majesty. R. S. O. 1877, c. 180, s. 2 (7) ; 43 V. c. 27, s. 8 (1).
- "Real Property." 9. "Land," "Real Property," and "Real Estate," respectively, shall include all buildings or other things erected upon or affixed to the land, and all machinery or other things so fixed to any building as to form in law part of the realty, and all trees or underwood growing upon the land, and land covered with water, and all mines, minerals, quarries and fossils in and under the same, except mines belonging to Her Majesty. R. S. O. 1877, c. 180, s. 2 (7) ; 43 V. c. 27, s. 8 (1).
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- "Personal Estate." 10. "Personal Estate" and "Personal Property" shall include all goods, chattels, interest on mortgages, dividends from bank stock, dividends on shares or stocks of other incorporated companies, money, notes, accounts and debts at their actual value, income and all other property, except land and real estate, and real property as above defined, and except property herein expressly exempted. R. S. O. 1877, c. 180, s. 2 (8) ; 43 V. c. 27, s. 8 (2).
- "Personal Property." 10. "Personal Estate" and "Personal Property" shall include all goods, chattels, interest on mortgages, dividends from bank stock, dividends on shares or stocks of other incorporated companies, money, notes, accounts and debts at their actual value, income and all other property, except land and real estate, and real property as above defined, and except property herein expressly exempted. R. S. O. 1877, c. 180, s. 2 (8) ; 43 V. c. 27, s. 8 (2).
- "Landholder." 11. "Landholder" shall mean and include :
 (a) Any person who being the owner of and residing and domiciled upon real property of at least twenty acres in extent, or of at least an actual value in cities and towns of \$400, and in townships and incorporated villages of \$200, is, in the assessment roll of the municipality where such property is situate, entered and assessed as owner of said property of at least the number of acres or assessed value aforesaid, and

(b) Any person actually residing and domiciled in any dwelling-house as tenant thereof, where such dwelling-house and the land, if any, held therewith by such person as such tenant is of at least an actual value in cities and towns of \$400 and in townships and incorporated villages of \$200, and is at not less than such value entered and assessed in the name of such person in the assessment roll of the municipality wherein the same is situate ;

12. "Son," or "landholder's son," shall mean and include any male person being a son, step-son, grandson or son-in-law, as the case may be, of any landholder ;

13. "Wage-earner" shall mean any male person of the full age of twenty-one years, and a subject of Her Majesty by birth or naturalization, who is actually residing and domiciled in any local municipality, and who is not otherwise entered or assessed in the assessment roll of the said municipality in respect either of property or taxable income so as to entitle him to vote at an election for a member of the Legislative Assembly of this Province ;

14. "Dwelling-house" shall mean and include any part of a house, when that part is separately occupied and resided in as a dwelling, and also any land where such land is separately occupied or resided upon as and is part of the premises belonging to and used with such dwelling ;

15. "Householder" shall mean any male person entered and assessed or entitled to be entered and assessed in the revised assessment roll of a local municipality, as and being the sole tenant and occupant of and actual resident in a dwelling-house situate in such local municipality, but shall not mean nor include,

(a) Any person who is so entered or assessed as or who is actually a joint tenant or occupant of such dwelling-house with any other person ; nor

(b) Any person who is a mere lodger or boarder in a house ;

16. "Last revised assessment roll" shall mean the last revised assessment roll of a local municipality ;

17. "List of voters" shall mean the alphabetical list referred to in section 3, of *The Voters' Lists Act*. 48 V. c. 42, s. 2, (1, 2, 4-8).

3. Unoccupied land shall be denominated "Lands of non-residents," unless the owner thereof has a legal domicile or place of business in the local municipality where the same is situate, or gives notice in writing setting forth his full name, place of residence and post-office address, to the clerk of the municipality, on or before the 20th day of April in each year, that he owns such land, describing it, and requires his name to be entered on the assessment roll therefor, which notice may be in the form or to the effect of Schedule A to this Act ; and the

"Son" and
"Landholder's son."

"Wage-earner."

"Dwelling-house."

"Householder."

"Last revised assessment roll."

"List of voters." Rev. Stat. c. 8.

Unoccupied land to be denominated "lands of non-residents," unless owner is domiciled in municipality or requires his name to be entered on roll.

clerk of the municipality shall, on or before the 25th day of April in each year, make up and deliver to the assessor or assessors a list of the persons requiring their names to be entered on the roll, and the lands owned by them. It shall not be necessary to renew such notice from year to year, but the notice shall stand until revoked, or until the ownership of the property shall be changed. 45 V. c. 28, s. 2.

Owner may apply to have his name entered on roll whether notice given or not.

4.—(1) When the name of any owner of such unoccupied land shall not have been entered upon the assessment roll in respect thereof by the assessor, such owner or his agent shall be entitled to apply to the Court of Revision to have the same so entered, whether the notice in the preceding section mentioned has or has not been given, and the Court may order the name to be entered, notwithstanding such notice has not been given, or has not been given by the time in this Act provided;

(2) Or such owner or his agent shall be entitled, within the time allowed by law for other applications in that behalf, to apply to the Judge to have the name of such owner entered upon the voters' lists, whether such notice has or has not been given; and the Judge may direct that the same be so entered, notwithstanding such notice has not been given, or has not been given by the time in this Act provided. 45 V. c. 28, s. 3.

Real estate of Railway Companies.

5. The real estate of all railway companies shall be considered as lands of residents, although the company has not an office in the municipality; except in cases where a company ceases to exercise its corporate powers, through insolvency or other cause. R. S. O. 1877, c. 180, s. 4.

PROPERTY LIABLE TO TAXATION.

All taxes to be levied equally upon the ratable property, when no other provision made.

6. All municipal, local or direct taxes or rates, shall, where no other express provision has been made in this respect, be levied equally upon the whole ratable property, real and personal, of the municipality or other locality, according to the assessed value of such property, and not upon any one or more kinds of property in particular, or in different proportions. R. S. O. 1877, c. 180, s. 5.

Taxable property and exemptions.

7. All property in this Province shall be liable to taxation, subject to the following exemptions, that is to say:

Exemptions.

All property belonging to Her Majesty.

1. All property vested in or held by Her Majesty, or vested in any public body or body corporate, officer or person in trust for Her Majesty, or for the public uses of the Province; and also all property vested in or held by Her Majesty, or any other person or body corporate, in trust for, or for the use of any tribe or body of Indians, and either unoccupied, or occupied by some person in an official capacity.

Indian lands unoccupied, or occupied officially.

2. Where any property mentioned in the preceding clause is occupied by any person otherwise than in an official capacity, the occupant shall be assessed in respect thereof, but the property itself shall not be liable. But if occupied not officially.
3. Every place of worship, and land used in connection therewith, churchyard or burying ground. R. S. O. 1877, c. 180, s. 6 (1-3). *See cap. 175, s. 13.* Places of worship, etc.
4. The buildings and grounds of and attached to every university, college, high school, or other incorporated seminary of learning, whether vested in a trustee or otherwise, so long as such buildings and grounds are actually used and occupied by such institution, or if unoccupied, but not if otherwise occupied. Properties of educational institutions.
5. Every public school house, town or city or township hall, court house, gaol, house of correction, lock-up house and public hospital, with the land attached thereto, and the personal property belonging to each of them. Town and City Halls, etc.
6. Every public road and way or public square. Public roads, etc.
7. The property belonging to any county or local municipality, whether occupied for the purposes thereof or unoccupied; but not when occupied by any person as tenant or lessee, or otherwise than as a servant or officer of the corporation for the purposes thereof. Municipal property.
8. The Provincial Penitentiary, the Central Prison and the Provincial Reformatory, and the land attached thereto. Provincial Penitentiary.
9. Every industrial farm, poor house, alms house, orphan asylum, house of industry, and lunatic asylum, and every house belonging to a company for the reformation of offenders, and the real and personal property belonging to or connected with the same. Poor houses, etc.
10. The property of every public library, mechanics' institute and other public, literary or scientific institution, and of every agricultural or horticultural society, if actually occupied by such society. Scientific institutions, etc.
11. The personal property and official income of the Governor-General of the Dominion of Canada, and the official income of the Lieutenant-Governor of this Province. R. S. O. 1877, c. 180, s. 6 (4-11). Personal property of Governors.
12. The houses and premises of any officers, non-commissioned officers and privates of Her Majesty's regular Army or Navy in actual service, while occupied by them, and not exceeding \$2,000 in value, and the full or half-pay of any one in either of such services; and any pension, salary, gratuity or stipend derived by any person from Her Majesty's Imperial Treasury, and the personal property of any person in such Naval or Military services, on full pay, or otherwise in actual service. 49 V. c. 38, s. 1. Land occupied by military or naval officers and their pay, salaries, pensions, etc.
Property of officers on full pay.

Pensions
under \$200.

13. All pensions of \$200 a year and under payable out of the public moneys of the Dominion of Canada, or of this Province.

Grain, etc., *in transitu*.

14. All grain, cereals, flour, live or dead stock, the produce of the farm or field, in store or warehouse, and at any time owned or held by or in the possession of any person in any municipality, such person not being the producer thereof, and being so held, owned or possessed solely for the *bona fide* purpose of being conveyed by water or railway for shipment or sale at some other place.

Incomes of
farmers, etc.

15. The income of a farmer derived from his farm, and the income of merchants, mechanics, or other persons derived from capital liable to assessment.

Personal prop-
erty secured
by mortgage,
or Provincial
or Municipal
debentures.

16. So much of the personal property of any person as is invested in mortgage upon land, or is due to him on account of the sale of land, the fee or freehold of which is vested in him, or is invested in the debentures of the Dominion of Canada or of this Province, or of any municipal corporation thereof, and such debentures.

Dividends only
of Bank Stock
to be assessed.

17. The shares held by any person in the capital stock of any incorporated or chartered bank, doing business in this Province; but any interest, dividends or income derived from any such shares held by any person resident in this Province shall be deemed to come within and to be liable to assessment under section 31 of this Act. R. S. O. 1877, c. 180, s. 6 (13-17).

Stock in com-
panies.

18. The stock held by any person in any incorporated company, whose personal estate is liable to assessment in this Province. 49 V. c. 38, s. 2.

Railroad and
building So-
ciety stock.

19. The stock held by any person in any railroad company, the shares in building societies, and so much of the personal property of any person as is invested in any company incorporated for the purpose of lending money on the security of real estate; but the interest and dividends derived from shares in such building societies, or from investments in such companies as aforesaid, shall be liable to be assessed.

Personal prop-
erty owned
out of the
Province.

20. All personal property which is owned out of this Province, except as hereinafter provided.

Personal prop-
erty equal to
debts due.

21. So much of the personal property of any person as is equal to the just debts owed by him on account of such property, except such debts as are secured by mortgage upon his real estate, or are unpaid on account of the purchase money therefor.

Personalty
under \$100.

22. The net personal property of any person; provided the same is under \$100 in value. R. S. O. 1877, c. 180, s. 6 (18-21).

Personal earn-
ings not ex-
ceeding \$700.

23. The annual income of any person derived from his personal earnings; provided the same does not exceed \$700. 50 V. c. 32, s. 1.

24. The annual income of any person to the amount of \$400, Income up to \$1,000. provided the same does not exceed \$1,000. Any person entered on the roll as a wage-earner shall be entitled to the exemption provided for in this sub-section in respect of earnings or income. R. S. O. 1877, c. 180, s. 6 (22); 43 V. c. 27, s. 4; 49 V. c. 38, s. 6.

25. The stipend or salary of any clergyman or minister of religion while in actual connection with any church and doing duty as such clergyman or minister, to the extent of \$1,000, and the parsonage, when occupied as such or unoccupied, and if there be no parsonage the dwelling house occupied by him with the land thereto attached, to the extent of two acres, and not exceeding \$2,000 in value. This sub-section shall not apply to a minister or clergyman whose ordinary business or calling at the time of the assessment is not clerical, though he may do occasional clerical work or duty. 48 V. c. 42, s. 12. Exemption of Ministers' stipends.

26. Rental or other income derived from real estate, except interest on mortgages. Rental of real estate, etc.

27. Household effects of whatever kind, books and wearing apparel. R. S. O. 1877, c. 180, s. 6 (24, 25). Household effects, books, etc.

28. Vessel property of the following description, namely: steamboats, sailing vessels, tow barges and tugs; but the income earned by or derived through, or from any such property shall be liable to be assessed. 49 V. c. 38, s. 3. Vessels.

8. Where any person derives from some trade, office, calling or profession, an income which is entitled by law to exemption from assessment, he shall not be bound to avail himself of such right to exemption, but if he thinks fit, he may require his name to be entered in the assessment roll for such income, for the purpose of being entitled to vote at elections for the Legislative Assembly and municipal councils, and such income shall in such case be liable to taxation like other assessable income or property, and it shall be the duty of the assessor to enter the name of such person in the assessment roll. R. S. O. 1877, c. 180, s. 7. The case of income exempted from assessment.

9. All real property situate within, but owned out of the Province, shall be liable to assessment in the same manner and subject to the like exemptions as other real property under the provisions of this Act. R. S. O. 1877, c. 180, s. 8. Realty within, but owned out of Ontario to be assessable.

10. All personal property within the Province in the possession or control of any agent or trustee for, or on behalf of any owner thereof, who is resident out of this Province, shall be liable to assessment in the same manner, and subject to the like exemption as in the case of the other personal property of the like nature under this Act. R. S. O. 1877, c. 180, s. 9. Personalty in control of agent for non-resident owner assessable.

Exemption of certain officers of Superior Courts abolished as to future appointments.

11. The exemption to which certain officers connected with the Superior Courts were, at the time of their appointment, and on the 5th day of March, 1880, entitled by Statute, in respect of their salaries, is abolished as respects all persons appointed by the Lieutenant-Governor to such offices after the said 5th day of March, 1880, or hereafter, and continues in respect of such officers only as were appointed before that date. 43 V. c. 27, s. 5; 50 V. c. 7, s. 19.

APPOINTMENT OF ASSESSORS AND COLLECTORS.

(See also cap. 184, ss. 254-257.)

Assessors and collectors to be appointed.

12. The council of every municipality, except counties shall appoint such number of assessors and collectors for the municipality as they may think necessary, but no assessor or collector shall hold the office of clerk or treasurer. R. S. O. 1877, c. 180, s. 10; 44 V. c. 25, s. 12.

Municipality may be divided into assessment districts.

13. Such councils may assign to such assessors and collectors the assessment district or districts within which they shall act, and may prescribe regulations for governing them in the performance of their duties. R. S. O. 1877, c. 180, s. 11.

DUTIES OF ASSESSORS.

Assessment rolls, their form, contents, etc.

14.—(1) The assessor or assessors shall prepare an assessment roll, in which, after diligent inquiry, he or they shall set down according to the best information to be had—

Names of residents.

1. The names and surnames in full, if the same can be ascertained, of all taxable persons resident in the municipality who have taxable property therein, or in the district for which the assessor has been appointed;

Of non-residents.

2. And of all non-resident owners who have given the notice in writing mentioned in section 3, and required their names to be entered in the roll;

Property assessable.

3. The description and extent or amount of property assessable against each. R. S. O. 1877, c. 180, s. 12, (1-3).

Inquiry as to births and deaths.

(2) In the case of every township, town or incorporated village, it shall also be the duty of the assessor or assessors, when making the annual assessment, to inquire of each resident taxable party whether there has been a birth or death in the family within the previous twelve months, and if either, whether the same has been registered or not; if it has not been registered the assessor shall put the figure 1 opposite the name, in the column headed "Birth" or "Death," as the case may be; if registered the letter "R" in the column (28) set apart for "Registered." 44 V. c. 4, s. 1, (*part*); 50 V. c. 7, s. 20.

(3) The assessor shall set down the particulars in separate columns as follows: Further particulars.

Column 1.—The successive number on the roll. R. S. O. 1877, c. 180, s. 12 (4).

Column 2.—Name and post office address of taxable party. 42 V. c. 32, s. 1.

Column 3.—Occupation, and in the case of females, a statement whether the party is a spinster, married woman, or widow, by inserting opposite the name of the party the letter "S," "M," or "W," as the case may be. (R. S. O. 1877, c. 180, s. 12 (4); 48 V. c. 42, s. 13.

Column 4.—Statement whether the party is a Freeholder, Householder, Tenant, or Landholder's Son, by inserting opposite the name of the party the letter "F," "H," "T," or "L. S." as the case may be. But where any person being a landholder's son is also, within the meaning of *The Municipal Act*, a "Farmer's Son," the assessor shall instead of the letters "L. S." insert in the assessment roll the letters "L. and F. S." R. S. O. 1877, c. 180, s. 12 (5); 50 V. c. 7, s. 15. Rev. Stat. c. 184.

Column 5.—The age of the assessed party.

Column 6.—Name and address of the owner, where the party named in column 2 is not the owner.

Column 7.—School section, and whether public or separate school supporter.

Column 8.—Number of concession, name of street, or other designation of the local division in which the real property lies.

Column 9.—Number of lot, house, etc., in such division.

Column 10.—Number of acres, or other measure shewing the extent of the property.

Column 11.—Number of acres cleared, (or, in cities, towns, or villages, whether vacant or built upon.)

Column 12.—Value of each parcel of real property.

Column 13.—Total value of real property.

Column 14.—Value of personal property other than income.

Column 15.—Taxable income.

Column 16.—Total value of personal property and taxable income.

Column 17.—Total value of real and personal property and taxable income.

Column 18.—Statute labour (in case of male persons from twenty-one to sixty years of age), and number of days' labour.

Column 19.—Dog tax; number of dogs and number of bitches.

Column 20.—Number of persons in the family of each person rated as a resident.

Column 21.—Religion.

Column 22.—Number of cattle.

Column 23.—Number of sheep.

Column 24.—Number of hogs.

Column 25.—Number of horses.

Column 26.—Birth.

Column 27.—Death.

These 3 columns apply to towns, ships, towns and incorporated villages only. 44 V. c. 25, s. 1 : 50 V. c. 7, s. 20.

Column 28.—Registered.

Column 29.—Acres of woodland.

Column 30.—Acres of swamp, marsh, or waste land.

Column 31.—Acres of orchard and garden.

Column 32.—Number of acres under fall wheat. 45 V. c. 28, s. 4.

Column 33.—Date of delivery of notice under section 47. R. S. O. 1877, c. 180, s. 12 (4); see Schedule B.

Evidence on which Assessor to enter persons as Separate School supporters.

Rev. Stat. c. 225.

(4) In any case where the trustees of any Roman Catholic separate school avail themselves of the provisions contained in section 120 of *The Public Schools Act*, for the purpose (amongst others) of ascertaining through the assessors of the municipality the persons who are the supporters of separate schools in such municipality, the assessor shall accept the statement of, or on behalf of any ratepayer that he is a Roman Catholic, as sufficient *prima facie* evidence for placing such person in the proper column of the assessment roll for separate school supporters, or if the assessor knows personally any ratepayer to be a Roman Catholic this shall also be sufficient for placing him in such last mentioned column. 42 V. c. 32, s. 2.

Mode of Assessing Real Property.

Land to be assessed in the municipality or ward.

Personal property.

15. Land shall be assessed in the municipality in which the same lies, and, in the case of cities and towns, in the ward in which the property lies; and this shall include the land of incorporated companies, as well as other property; and when any business is carried on by a person in a municipality in which he does not reside, or in two or more municipalities, the personal property belonging to such person shall be assessed in the municipality in which such personal property is situated, and against the person in possession or charge thereof, as well as against the owner. R. S. O. 1877, c. 180, s. 13.

Land occupied by owner to be assessed in his name.

16. Land occupied by the owner shall be assessed in his name. R. S. O. 1877, c. 180, s. 14.

When land not occupied by the owner, but owner is known.

17. Land not occupied by the owner, but of which the owner is known and, at the time of the assessment being made, resides or has a legal domicile or place of business in the municipality, or has given the notice mentioned in section 3, shall be assessed against the owner alone, if the land

is unoccupied, or against the owner and occupant, if the occupant is any other person than the owner. R. S. O. 1877, c. 180, s. 15.

18. If the owner of the land is not resident within the municipality, but resident within this Province, then, if the land is occupied, it shall be assessed in the name of and against the occupant and owner; but if the land is not occupied, and the owner has not requested to be assessed therefor, then it shall be assessed as land of a non-resident. R. S. O. 1877, c. 180, s. 16.

When owner not resident in municipality but resident in Province.

19. In the case of real property, owned by a person not resident within this Province, who has not required his name to be entered on the assessment roll, then if the land is occupied, it shall be assessed in the name of and against the occupant as such, and he shall be deemed the owner thereof for the purpose of imposing and collecting taxes upon and from the same land; but if the land is not occupied, and the owner has not requested to be assessed therefor, then it shall be assessed as land of a non-resident; and it shall not be necessary that the name of such non-resident or owner be inserted in the assessment roll, but it shall be sufficient to mention therein the name of the reputed owner or the words "Owner Unknown," according to the assessor's knowledge or information. R. S. O. 1877, c. 180, s. 17.

When owner not resident in Province.

20.—(1) Where land is assessed against both the owner and occupant, or owner and tenant, the assessor shall place both names within brackets on the roll, and shall write opposite the name of the owner the letter "F," and opposite the name of the occupant or tenant the letter "T," and both names shall be numbered on the roll.

When land assessed against owner and occupant.

(2) Where a dwelling-house is assessed in the name of and against a householder, the assessor shall write opposite the name of the householder the letter "H" in addition to said letter "F" or "T."

When house assessed against householder.

(3) No ratepayer shall be counted more than once in returns and lists required by law for municipal purposes; and the taxes may be recovered from either the owner, tenant, or occupant, or from any future owner, tenant, or occupant saving his recourse against any other person. 48 V. c. 42, s. 3.

Ratepayer to be counted only once.

21.—(1) When the land is owned or occupied by more persons than one, and all their names are given to the assessor, they shall be assessed therefor in the proportions belonging to or occupied by each respectively; and if a portion of the land so situated is owned by parties who are non-resident, and who have not required their names to be entered on the roll, the whole of the property shall be assessed in the names furnished to the assessor as the names of the owners, saving the recourse of the persons whose names are so given against the others.

Assessment of land owned or occupied by several persons.

Assessment of
partnership
property.

(2) If any member of a partnership so requests, his share or interest of, or in the real or personal property of, or belonging to the partnership, shall for all purposes and in all respects be assessed as if the same were the separate and individual property of such member, and formed no part of said partnership property.

Assessment of
property of
company for
school
purposes.

(3) A company may, by notice in that behalf to be given to the clerk of any municipality wherein a separate school for Roman Catholics exists, require any part of the real property of which such company is either the owner and occupant, or, not being such owner, is the tenant, occupant or actual possessor, and any part of the personal property (if any) of such company, liable to assessment, to be entered, rated and assessed for the purposes of said separate school, and the proper assessor shall thereupon enter said company as a separate school supporter in the assessment roll in respect of the property specially designated in that behalf in or by said notice, and the proper entries in that behalf shall be made in the prescribed column for separate school rates, and so much of the property as shall be so designated shall be assessed accordingly in the name of the company for the purposes of the separate school and not for public school purposes, but all other property of the company shall be separately entered and assessed in the name of the company as for public school purposes: provided always that the share or portion of the property of any company entered, rated or assessed in any municipality for separate school purposes, under the provisions of this section, shall bear the same ratio and proportion to the whole of the property of the company assessable within the municipality that the amount or proportion of the shares or stock of the company, so far as the same are paid or partly paid up, and are held or possessed by persons who are Roman Catholics, bears to the whole amount of such paid or partly paid up shares or stock of the company.

(a) A notice by the company to the clerk of the local municipality under the provisions of this section may be in the form or to the effect following:

To the Clerk of (*describing the municipality*),

Take notice that (*here insert the name of the company so as to sufficiently and reasonably designate it*) pursuant to a resolution in that behalf of the directors of said company requires that hereafter and until this notice is either withdrawn or varied, so much of the property of the company assessable within (*giving the name of the municipality*), and hereinafter specially designated shall be entered, rated, and assessed for separate school purposes, namely, one-fifth (*or as the case may be*) of all real property, and one-fifth (*or as the case may be*) of all personal property of said company, liable to assessment in said municipality.

Given on behalf of the said company this (*here insert date*).

R. S., Secretary of said Company.

- (b) Any such notice given in pursuance of a resolution in that behalf of the directors of the company, shall for all purposes be deemed to be sufficient, and every such notice so given shall be taken as continuing and in force and to be acted upon, unless and until the same is withdrawn, varied or cancelled by any notice subsequently given, pursuant to any resolution of the company or of its directors.
- (c) Every such notice so given to such clerk shall remain with and be kept by him on file in his office, and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect any assessment roll, and the assessor shall in each year, before the completion and return of the assessment roll, search for and examine all such notices as may be so on file in the clerk's office, and shall thereupon in respect of the said notices (if any) follow and conform thereto and to the provisions of this Act in that behalf.
- (d) The word "company" in this section shall mean and include any body corporate. 49 V. c. 38, s. 4.

22.—(1) The assessor shall enter and insert in his roll, next after any landholder named therein, the name of every son of such landholder who is twenty-one years of age, and who is and for twelve months next prior to the return by the assessor of his roll has been *bona fide* residing with such landholder in the residence or dwelling of such landholder within the local municipality; and the assessor shall place the names of the landholder and every such son within brackets on the roll, and shall write opposite the name of every son the letters "LS," and the names so entered shall be numbered on the roll; and every such son shall be so entered on the roll in the order of his age and seniority, commencing with the eldest as the first to be so entered;

Assessment of landholder's son residing with landholder.

- (a) No landholder shall be deemed or taken to be assessed jointly with his son in respect of the property for which he is entered on such roll as a landholder; but the son shall, for the purposes of *The Ontario Election Act* and of his right to vote at an election, be deemed and considered as being entered and named in said roll in respect of the said property;
- (b) Occasional or temporary absence from the residence or dwelling of the landholder for a time or times, not exceeding in the whole six months of the twelve hereinbefore mentioned, shall not operate to disentitle a son to be considered *bona fide* residing in such residence or dwelling, as aforesaid.

Rev. Stat. c. 9.

(2) Every wage-earner, *bona fide* resident and domiciled in the local municipality, and who has during the preceding twelve

Assessment of wage-earner.

months derived or earned wages or income from some trade, occupation, calling, office, or profession, of not less than \$250 shall be entitled to be and shall be entered by the assessor in the assessment roll of the local municipality as such wage-earner, and the assessor shall write opposite his name in the roll in the column 4, mentioned in section 14 of this Act, the words "wage-earner" in addition to the letter, if any, required to be written in such column.

Entry of
wage-earner
on roll.

- (a) In estimating or ascertaining the amount of wages or income so earned or derived by any person so entitled to be entered as a wage-earner in the assessment roll of a municipality not being a city, town or village, the fair value of any board or lodging furnished or given to or received, or had by such person, as or in lieu of wages, or as part thereof, shall be considered or included.

(3) The assessor shall, opposite the name of a wage-earner, in the column 8 mentioned in section 14 of this Act, enter

- (a) In the assessment roll of a city, town or village, the residence of such wage-earner, by the number thereof (if any), and the street or locality whereon or wherein the same is situate;

- (b) In the assessment roll of a township, the concession wherein and the lot or part of a lot whereon such wage-earner resides;

and, in all cases, any additional description, as to locality or otherwise, which may be reasonably necessary to enable such residence to be ascertained and verified.

Interpretation

- (4) Where the following words occur in this section they shall be interpreted as follows:

"Election,"

- (a) The word "election" shall mean an election for a member of the Legislative Assembly or of a municipal council, as the case may be;

"To vote,"

- (b) The words "to vote" shall mean to vote at an election.

48 V. c. 42, s. 4.

Entry of land-
holder's sons
and wage-
earners on
roll.

23. Subject to the other provisions of this Act, any landholder's son and any wage-earner entitled as such to be assessed or to have his name entered in the assessment roll of any local municipality, shall on appeal be held to be entitled to have his name so entered, unless he informs or notifies the assessor to the contrary; and any person entitled to be entered in such assessment roll or in the voters' list based thereon, or to vote, or to be a voter in the electoral district in which such municipality is situate, shall, in order to have the name of such landholder's son or wage-earner entered and inserted in such assessment roll, or list of voters, as the case

may be, have for all purposes the same right to apply, complain or appeal to any Court, or to any Judge in that behalf, as such landholder's son or wage-earner, as such, would or can have personally, unless it is made to appear to the Court or Judge that such landholder's son or wage-earner actually dissents therefrom. 48 V. c. 42, s. 10.

24. Any occupant may deduct from his rent any taxes paid by him, if the same could also have been recovered from the owner, or previous occupant, unless there is a special agreement between the occupant and the owner to the contrary. When tenants may deduct taxes from rent. R. S. O. 1877, c. 180, s. 21.

25. The assessor shall write opposite the name of any non-resident freeholder, who requires his name to be entered on the roll, as hereinbefore provided, in column number 3, the letters, "N. R.," and the address of such freeholder. Assessor to note non-resident's name and address on the roll. R. S. O. 1877, c. 180, s. 22.

26.—(1) Except in the case of mineral lands hereinafter provided for, real and personal property shall be estimated at their actual cash value, as they would be appraised in payment of a just debt from a solvent debtor. How property estimated.

(2) In estimating the value of mineral lands, such lands and the buildings thereon shall be valued and estimated at the value of other lands in the neighbourhood for agricultural purposes, but the income derived from any mine or mineral work shall be subject to taxation in the same manner as other incomes under this Act. Mineral lands. R. S. O. 1877, c. 180, s. 23.

27.—(1) In assessing vacant ground, or ground used as a farm, garden, or nursery, and not in immediate demand for building purposes, in cities, towns, or villages, whether incorporated or not, the value of such vacant or other ground shall be that at which sales of it can be freely made, and where no sales can be reasonably expected during the current year, (in case the council so directs) the assessors shall, in cities, and, where the extent of such ground exceeds ten acres, in towns and incorporated villages, value such land as though it was held for farming or gardening purposes, with such per centage added thereto as the situation of the land reasonably calls for; and such vacant land, though surveyed into building lots, if unsold as such, may be entered on the assessment roll as so many acres of the original block or lot, describing the same by the description of the block, or by the number of the lot and concession of the township in which the same is situated, as the case may be. What shall be deemed vacant land, and how its value shall be calculated in cities, etc. R. S. O. 1877, c. 180, s. 24 (1); 43 V. c. 27, s. 7.

(2) In such case, the number and description of each lot, comprising each such block shall be inserted in the assessment roll; and each lot shall be liable for a proportionate share as to value, and the amount of the taxes, if the property is sold for arrears of taxes. Assessment thereof. R. S. O. 1877, c. 180, s. 24 (2)

When not held
for sale, but
for gardens,
etc.

28. When ground is not held for the purposes of sale, but *bona fide* enclosed and used in connection with a residence or building as a paddock, park, lawn, garden or pleasure ground, it shall be assessed therewith, at a valuation which, at six per centum, would yield a sum equal to the annual rental which, in the judgment of the assessors, it is fairly and reasonably worth for the purposes for which it is used, reference being always had to its position and local advantages, unless by by-law the council requires the same to be assessed like other ground. R. S. O. 1877, c. 180, s. 25; 43 V. c. 27, s. 6.

Railway com-
panies to fur-
nish certain
statements to
clerks of muni-
cipalities.

29. Every railway company shall annually transmit, on or before the 1st day of February, to the clerk of every municipality in which any part of the roadway or other real property of the company is situated, a statement shewing:

1. The quantity of land occupied by the roadway, and the actual value thereof, according to the average value of land in the locality, as rated on the assessment roll of the previous year;

2. The real property, other than the roadway in actual use and occupation by the company, and its value; and

3. The vacant land not in actual use by the company, and the value thereof, as if held for farming or gardening purposes;

Duties of
clerks thereon.

And the clerk of the municipality shall communicate such statement to the assessor, who shall deliver at, or transmit by post to, any station or office of the company a notice addressed to the company of the total amount at which he has assessed the real property of the company in his municipality or ward, shewing the amount for each description of property mentioned in the above statement of the company; and such statement and notice respectively shall be held to be the statement and notice required by sections 42 and 47 of this Act. R. S. O. 1877, c. 180, s. 26.

Proceedings in
case of non-
resident lands.

30. As regards the lands of non-residents who have not required their names to be entered in the roll, the assessors shall proceed as follows:

To be inserted
in roll separ-
ately.

1. They shall insert such land in the roll separated from the other assessments, and shall head the same as *Non-residents' Land Assessments*.

When not
known to be
subdivided
into lots.

2. If the land is not known to be subdivided into lots, it shall be designated by its boundaries or other intelligible description.

When known
to be sub-
divided into
lots.

3. If it is known to be subdivided into lots, or is part of a tract known to be so subdivided, the assessors shall designate the whole tract in the manner prescribed with regard to undivided tracts; and, if they can obtain correct information of the subdivisions, they shall put down in the roll, and in a first

column, all the unoccupied lots by their numbers and names alone, and without the names of the owners, beginning at the lowest number and proceeding in numerical order to the highest; in a second column, and opposite to the number of each lot, they shall set down the quantity of land therein liable to taxation; in a third column, and opposite to the quantity, they shall set down the value of such quantity, and, if such quantity is a full lot, it shall be sufficiently designated as such by its name or number, but if it is part of a lot, the part shall be designated in some other way whereby it may be known. R. S. O. 1877, c. 180, s. 27.

Mode of Assessing Personal Property.

31. Subject to the provisions of section 8, no person deriving an income exceeding \$400 per annum from any trade, calling, office, profession or other source whatsoever, not declared exempt by this Act, shall be assessed for a less sum as the amount of his net personal property, than the amount of such income during the year then last past, in excess of the said sum of \$400, but no deduction shall be made from the gross amount of such income, by reason of any indebtedness, save such as is equal to the annual interest thereof; and such last year's income, in excess of the said sum of \$400, shall be held to be his net personal property, unless he has other personal property liable to assessment, in which case such excess and other personal property shall be added together and constitute his personal property liable to assessment. R. S. O. 1877, c. 180, s. 28.

How persons deriving income from any trade or profession to be assessed.

32. The beneficial owner of shares which do not stand in his own name may be assessed for the income he derives therefrom as if the shares stood in his own name. 43 V. c. 27, s. 2.

Beneficial owner of shares may be assessed.

33.—(1) All personal property within the Province, the owner of which is not resident in the Province, shall be assessable like the personal property of residents, and whether the same is or is not in the possession or control, or in the hands, of an agent or a trustee on behalf of the non-resident owner; and all such personal property of non-residents may be assessed in the owner's name, as well as in the name of the agent, trustee or other person (if any) who is in the possession or control thereof.

Personal property in Province of non-residents assessable like property of residents.

(2) The property shall be assessable in the municipality in which it may happen to be.

(3) This section does not apply to dividends which are payable to, or other *choses* in action which are owned by and stand in the name of, a person who does not reside in the Province. 43 V. c. 27, s. 3.

Assessment of personal property of companies.

34.—(1) The personal property of an incorporated company, other than the companies mentioned in sub-section 2 of this section, shall be assessed against the company in the same manner as if the company were an unincorporated company or partnership.

(2) The personal property of a bank or of a company which invests the whole or the principal part of its means in gas works, water works, plank or gravel roads, railway and tram-roads, harbours or other works requiring the investment of the whole or principal part of its means in real estate, shall, as hitherto, be exempt from assessment; but the shareholders shall be assessed on the income derived from such companies. 43 V. c. 27, s. 1 (1,2); 45 V. c. 28, s. 9.

Personal property of partnerships, how and where to be assessed.

35.—(1) The personal property of a partnership shall be assessed against the firm at the usual place of business of the partnership, and a partner in his individual capacity shall not be assessable for his share of any personal property of the partnership which has already been assessed against the firm.

As to partnerships having more than one business locality.

(2) If a partnership has more than one place of business, each branch shall be assessed, as far as may be, in the locality where it is situate, for that portion of the personal property of the partnership which belongs to that particular branch; and if this cannot be done, the partnership may elect at which of its places of business it will be assessed for the whole personal property, and shall be required to produce a certificate at each of the other places of business of the amount of personal property assessed against it elsewhere. R. S. O. 1877, c. 180, s. 30.

Where parties carrying on trade, etc., to be assessed for personal property.

36.—(1) Every person having a farm, shop, factory, office or other place of business where he carries on a trade, profession, or calling, shall, for all personal property owned by him, wheresoever situate, be assessed in the municipality or ward where he has such place of business, at the time when the assessment is made.

When the party has two or more places of business.

(2) If a person has two or more such places of business in different municipalities or wards, he shall be assessed at each for that portion of his personal property connected with the business carried on thereat; or, if this cannot be done, he shall be assessed for part of his personal property at one place of business and for part at another; but he shall, in all such cases, produce a certificate at each place of business of the amount of personal property assessed against him elsewhere. R. S. O. 1877, c. 180, s. 31.

When the party has no place of business.

37. If a person has no place of business, he shall be assessed at his place of residence. R. S. O. 1877, c. 180, s. 32.

38. Every person who holds any appointment or office of Salaries, etc.
 enolument to which any salary, gratuity or other compensation to be assessed
 is attached, and performs the duties of such appointment or at the place
 office within a municipality in which he does not reside, shall where earned.
 be assessed in respect of the amount of such salary, gratuity or
 other compensation at the place where he performs such duties,
 and he shall not be assessable therefor at his place of residence,
 but, if required, shall procure a certificate of being otherwise
 assessed under the provisions of this section: but this section
 shall not apply to county municipal officers, or to Government Place of assess-
 officers or officers of minor municipalities when the location of ment of sala-
 the office is fixed by law or regulation of the Government or ries of Govern-
 municipality, but in such cases the salary, gratuity or other ment and
 compensation, shall be assessed against the incumbent of the municipal
 office in the municipality wherein he resides. R. S. O. 1877.
 c. 180, s. 33; 43 V. c. 27, s. 19; 50 V. c. 32, s. 2.

39. The personal property of a person not resident within When person
 this Province shall be assessed in the name of and against any alty of non-
 agent, trustee or other person who is in the control or possession residents may
 thereof, and shall be deemed to be the individual property of be assessed
 such agent, trustee or other person, for all objects within this against the
 Act. R. S. O. 1877, c. 180, s. 34. agent therefor.

40. In case of personal property owned or possessed by or Separate assess-
 under the control of more than one person resident in the ment of
 municipality or ward, each shall be assessed for his share only, joint owners.
 or if they hold in a representative character, then each shall be
 assessed for an equal portion only. R. S. O. 1877, c. 180, s. 35.

41.—(1) Personal property in the sole possession, or under the Case of execu-
 sole control of any person as trustee, guardian, executor, or tors, etc.
 administrator, shall be assessed against such person alone.

(2) Where a person is assessed as trustee, guardian, executor Parties assess-
 or administrator, he shall be assessed as such, with the addi- ed as trust-
 tion to his name of his representative character, and such as- tees, etc., to
 sessment shall be carried out in a separate line from his indivi- have their re-
 dual assessment, and he shall be assessed for the value of the presentative
 real and personal estate held by him, whether in his individual character
 name, or in conjunction with others in such representative attached to
 character, at the full value thereof, or for the proper proportion their names.
 thereof, if others resident within the same municipality are
 joined with him in such representative character. R. S. O.
 1877, c. 180, s. 36.

General Provisions.

42.—(1) It shall be the duty of every person assessable for Particulars re-
 real or personal property in any local municipality, or entitled to specting prop-
 be entered in the assessment roll as a wage-earner, to give all erty to be
 necessary information to the assessors, and if required by the furnished to as-
 assessor, or by one of the assessors, if there is more than one, sessor by
 parties who
 are assessable.

he shall deliver to him a statement in writing, signed by such person (or by his agent, if the person himself is absent) containing :

- (a) All the particulars respecting the real or personal property assessable against such person which are required in the assessment roll; and
- (b) In the case of a wage-earner, full particulars of the income or wages earned by him during the then preceding twelve months;

and if any reasonable doubt is entertained by the assessor of the correctness of any information given by the party applied to, the assessor shall require from him such written statement.

Affirmation by
wage-earner.

(2) The name of a wage-earner shall not be entered in the assessment roll as such wage-earner unless to the assessor, or to one of the assessors, if there is more than one, there has been first delivered by, or on behalf of, said wage-earner a written affirmation made and signed by him in the form following or to the like effect :

"I, *A. B.*, being a wage-earner within the meaning of *The Assessment Act* and any Act amending the same, do sincerely and truly affirm and declare, that I am of the full age of twenty-one years; that I am a subject of Her Majesty by birth or naturalization; that I am actually resident and domiciled in this city of (or town, village, or township as the case may be) at *giving the locality of his residence or the name of the street and the number (if any) of such residence, or such other reasonable description as will easily permit of its being verified and ascertained*); that my post office address is _____; and that during the twelve months next preceding this day of _____ in the year *(the date to be filled in here is that of the day, month, and year upon which this affirmation is made and signed)* I have derived and earned wages and income from my trade, occupation, calling, office or profession, of not less than \$250."

A. B.

Witness,

X. Y. ., of *(add residence and occupation)*.

And in the case of a wage-earner claiming or entitled to be entered in the assessment roll of a township, there shall be added to the last words of the foregoing affirmation these further words :

"Including and estimating as part of said \$250, the fair value for board and lodgings given to, or received, or had by me as or in lieu of wages during said twelve months."

- (a) Such written affirmation must have been so made and signed by such wage-earner in the presence of an attesting witness, within one month prior to its being so delivered as aforesaid to the assessor, and said attesting witness shall subscribe his signature as such to said affirmation, and shall add thereto his place of residence and occupation.

Forms to be
provided.

(3) The local municipality shall provide the assessor with a sufficient number of printed forms of the affirmation aforesaid, and if the same be not so provided by the municipality, the

assessor shall procure and provide himself with a sufficient number thereof, and shall be entitled to have and recover the cost thereof from the municipality.

(4) The assessor shall in the case of a wage-earner making such affirmation as aforesaid, enter on the roll opposite his name in the column 33 mentioned in section 14 of this Act, the word "affirmed," and the date on which such affirmation purports to be so made. 48 V. c. 42, s. 5 (1-4). Entry of affirmation on roll.

(5) The assessor shall deliver to the clerk of the local municipality with the assessment roll, every affirmation so made before, or delivered to such assessor, and the same shall thereupon remain with, and be kept by such clerk on file in his office, and shall, at all convenient office hours be open to inspection and examination by any person entitled to examine or inspect said assessment roll. 48 V. c. 42, s. 5 (5); 49 V. c. 38, s. 5. Affirmations to be filed.

43. Every corporation whose dividends are liable to taxation as against the shareholders, shall, at the written request of the assessor of any municipality in which there is or are any person or persons liable to be assessed for income derived from stock in such corporation (such written request to be communicated by delivering the same to the principal officer of the corporation in this Province, or by leaving the same at the principal office in the Province, or to be made by registered letter, prepaid, addressed to the corporation at the place of such principal office) and within thirty days after the delivery, leaving or posting of such written request, deliver to such assessor, or send to him in a registered letter, prepaid, a statement in writing setting forth the names of the shareholders who are resident in such municipality, or who ought to be assessed for their income by such municipality, the amount of stock held by every such person on the day named for that purpose by the assessor in his said written request, and the amount of dividends and bonuses declared during the twelve months next preceding; which statement in writing to be so furnished to the assessor shall contain also a certificate under the hand of the principal officer of the corporation in the Province, declaring that the same contains, to the best of the knowledge and belief of such officer, a correct list of such shareholders, and of the amount of stock held by each on the day so named by the assessor, so far as appears from the books of the corporation or so far as is known otherwise by such officer. 43 V. c. 27, s. 15, *part*. Statement to be furnished to assessor.

44. No such statement shall bind the assessor, or excuse him from making due inquiry to ascertain its correctness; and, notwithstanding the statement, the assessor may assess such person for such amount of real or personal property as he believes to be just and correct, and may omit his name or any Statements given by parties not binding on assessors.

property which he claims to own or occupy, if the assessor has reason to believe that he is not entitled to be placed on the roll or to be assessed for such property. R. S. O. 1877, c. 180, s. 38.

Penalty for not giving statement or making false statement.

45.—(1) In case any person fails to deliver to the assessor the written statement mentioned in the preceding three sections when required so to do, or knowingly states anything falsely in the written statement required to be made as aforesaid, such person shall, on complaint of the assessor, and upon conviction before a Justice of the Peace having jurisdiction within the county wherein the municipality is situate, forfeit and pay a fine to be recovered in like manner as other penalties upon summary conviction before a Justice of the Peace.

(2) The fine for default shall be, under section 42 or 44, \$20; and under section 43, \$100. R. S. O. 1877, c. 180, s. 39; 43 V. c. 27, s. 15, *part*.

Assessor to make inquiries so as to prevent creation of false votes.

46. To prevent the creation of false votes, where any person

(a) claims to be assessed, or claims that any other person should be assessed as owner, tenant, or occupant of any parcel of land, or as a householder, or as possessing the income which entitles him to vote in any municipality at any election; or

(b) claims to be entered, or that any other person should be entered, in the assessment roll of the municipality either as a landholder's son, or as a wage-earner;

and the assessor has reason to suspect that the person so claiming, or for whom the claim is made, has not a just right to be so assessed or entered, it shall be the duty of the assessor to make reasonable inquiries before so assessing or entering any such person. 48 V. c. 42, s. 9.

Assessor to give notice to parties of the value at which their property assessed.

47.—(1) Every assessor, before the completion of his roll, shall leave for every party named thereon, resident or domiciled or having a place of business within the municipality, and shall transmit by post to every non-resident who has required his name to be entered thereon, and furnished his address to the clerk, a notice of the sum at which his real and personal property has been assessed, according to the form of Schedule B., annexed to this Act, and shall enter on the roll opposite the name of the party, the time of delivering or transmitting such notice, which entry shall be *prima facie* evidence of such delivery or transmission. R. S. O. 1877, c. 180, s. 41.

Assessor not required to give notice to wage-earner or landholder's son.

(2) Nothing in this section contained shall be deemed to require the assessor to give, leave or transmit any notice to any person entered on the assessment roll as only a wage-earner or landholder's son, either under the

provisions of this Act or otherwise, but in any notice given or transmitted to any landholder under the provisions of this section the assessor shall enter and set forth the name of every person entered in said roll as a son of such landholder. 48 V. c. 42, s. 6.

48.—(1) Any notice, document or paper necessary to be given to, or left with, or served upon a landholder's son under any of the provisions of this Act, shall be deemed to be so given to, or left with, or served upon such son if the same is given to him personally, or is left with some grown person at the residence of the landholder whose son he is. Service of notices and papers on landholder's son.

(2) Any notice, document or paper necessary to be given to, or left with, or served upon any wage-earner under any of the said provisions, shall be deemed to be so given to, or left with, or served upon such wage-earner, if the same

- (a) Is given to or left with him personally; or
- (b) Where such wage-earner has a known residence or place of business within the local municipality, is left with some grown person at such residence or place of business; or,
- (c) Where such wage-earner has no known residence or place of business within the local municipality is mailed through the post-office, with the postage thereon prepaid, and addressed to him at the post-office address contained in any affirmation made by him before the assessor. 48 V. c. 42, s. 7.

49. Subject to the provisions of sections 52 and 54, every assessor shall begin to make his roll in each year not later than the 15th day of February, and shall complete the same on or before the 30th day of April and shall attach thereto a certificate signed by him, and verified upon oath or affirmation in the form following: When assessment roll to be completed.

"I do certify that I have set down in the above assessment roll all the real property liable to taxation situate in the municipality (or ward) of (as the case may be) and the true actual value thereof in each case, according to the best of my information and judgment; and also that the said assessment roll contains a true statement of the aggregate amount of the personal property, or of the taxable income, of every party named on the said roll; and that I have estimated and set down the same according to the best of my information and belief; and I further certify, that I have entered thereon the names of all the resident householders, tenants and freeholders, and of all other persons who have required their names to be entered thereon, with the true amount of property occupied or owned, or of income received by each, and that I have not entered the names of any persons whom I do not truly believe to be a householder, tenant, or freeholder, or the *bona fide* occupier or owner of the property, or in receipt of the income set down opposite his name, for his own use and benefit; and I further certify that according to the best of my knowledge and belief, I have entered thereon the name of every person entitled to be so entered either as a landholder's son or as a wage-earner, and that I have not intentionally omitted therefrom the name of any person whom I knew or had good reason to believe was or is entitled to be entered thereon either as a land-

holder's son or as a wage-earner ; and I further certify that the date of delivery or transmitting the notice required by section 47 of *The Assessment Act* is in every case truly and correctly stated in the said roll : and I further certify and swear (or affirm as the case may be) that I have not entered the name of any person at too low a rate in order to deprive such person of a vote, or at too high a rate in order to give such person a vote, or for any reason whatever ; and that the amount for which each such person is assessed upon the said roll truly and correctly appears in the said notice delivered or transmitted to him as aforesaid."

R. S. O. 1877, c. 180, s. 42; 48 V. c. 42, s. 8.

Assessment rolls to be delivered to clerks of municipalities, etc.

50. Every assessor shall, on or before the 1st day of May, deliver to the clerk of the municipality such assessment roll, completed and added up, with the certificates and affidavits attached ; and the clerk shall immediately upon the receipt of the roll, file the same in his office, and the same shall, at all convenient office hours, be open to the inspection of all the householders, tenants, freeholders and income voters, resident, owning or in possession of property, or in receipt of incomes in the municipality. R. S. O. 1877, c. 180, s. 43.

Penalty for causing improper entries on roll.

51. Any person who wilfully and improperly inserts or procures or causes the insertion of any name in the assessment roll, or assesses or procures or causes the assessment of any person at too high an amount, with intent in either or any such case to give to any person not entitled thereto an apparent right to vote at any election ; or who wilfully inserts, or procures or causes the insertion of any fictitious name in the assessment roll, or who wilfully and improperly omits, or procures or causes the omission of any name from the assessment roll, or assesses or procures or causes the assessment of any person at too low an amount, with intent in either case to deprive any person of his right to vote, shall, upon conviction thereof before a Court of competent jurisdiction, be liable to a fine not exceeding \$200, and to imprisonment until the fine is paid, or to imprisonment in the common gaol of the county or city, for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the Court. 48 V. c. 42, s. 11.

Special provisions relating to Counties, Cities, Towns and Villages.

Time for taking the assessment and revising the rolls in cities, etc.

52. In cities, towns and incorporated villages, the council, instead of being bound by the periods above mentioned for taking the assessment, and by the periods named for the revision of the rolls by the Court of Revision, and by the County Judge, may pass by-laws for regulating the above periods, as follows, that is to say:—For taking the assessment between the 1st day of July and the 30th day of September, the rolls being returnable in such case to the city, town or village clerk on the 1st day of October : and in such case the time for closing the Court of Revision shall be the 15th day of November,

and for final return by the Judge of the County Court the 31st day of December; and the assessment so made and concluded may be adopted by the council of the following year as the assessment on which the rate of taxation for said following year shall be levied, and in the year following the passing of the by-law, the council may adopt the assessment of the preceding year as the basis of the assessment of that year. R. S. O. 1877, c. 180, s. 44; 49 V. c. 38, s. 7.

53. In cities, towns, townships, or incorporated villages the council may, by a by-law, or by-laws, require the payment of taxes and of all local improvement assessments, including sewer rents and rates, to be made into the office of the treasurer or collector by any day or days to be named therein, in bulk or by instalments, and may by such by-law, or by-laws, allow a discount for the prompt payment of such taxes, assessments, rents or rates, or any instalment thereof, on or before the day or days on which the same shall be made payable, and may by such by-law or by-laws impose an additional percentage-charge on every unpaid tax or assessment, rent or rate, or instalment thereof, which shall be added to such unpaid tax or assessment, rent or rate, or instalment thereof, and be collected by the collectors as if the same had originally been imposed and formed part of such unpaid tax or assessment, rent or rate, or instalment thereof. 49 V. c. 38, s. 8; 50 V. c. 32, s. 3.

Payment of taxes by instalments.

54.—(1) County councils may pass by-laws for taking the assessment in towns, townships and incorporated villages, between the 1st day of February and the 1st day of July.

County Council may pass by-laws for regulating the taking of assessment, etc.

(2) If such by-law extends the time for making and completing the assessment rolls beyond the 1st day of May, then the time for closing the Court of Revision shall be six weeks from the day to which such time is extended, and for final return in case of an appeal, twelve weeks from that day. R.S.O. 1877, c. 180, s. 46.

COURT OF REVISION.

55. If the council of the municipality consists of not more than five members, such five members shall be the Court of Revision for the municipality. R. S. O. 1877, c. 180, s. 47.

When council consists of five members only.

56. If the council consists of more than five members, such council shall appoint five of its members to be the Court of Revision. R. S. O. 1877, c. 180, s. 48.

When of more than five.

57. Every member of the Court of Revision, before entering upon his duties, shall take and subscribe, before the clerk of the municipality, the following oath or affirmation in cases where, by law, affirmation is allowed:

Oath of members of Court of Revision.

"I , do solemnly swear (or affirm) that I will, to the best of my judgment and ability, and without fear, favour or partiality, honestly decide the appeals to the Court of Revision, which may be brought before me for trial as a member of said Court."

R. S. O. 1877, c. 180, s. 49.

Quorum.

58. Three members of the Court of Revision shall be a quorum; and a majority of a quorum may decide all questions before the Court. R. S. O. 1877, c. 180, s. 50.

Who to be clerk.

59. The clerk of the municipality shall be clerk of the Court, and shall record the proceedings thereof. R. S. O. 1877, c. 180, s. 51.

Meetings of Court.

60. The Court may meet and adjourn, from time to time, at pleasure, or may be summoned to meet at any time by the head of the municipality; but the first sitting of the Court of Revision shall not be held until after the expiration of at least ten days from the expiration of the time within which notice of appeals may be given to the clerk of the municipality. R. S. O. 1877, c. 180, s. 52.

Court to try all complaints, etc.

61. At the times or time appointed, the Court shall meet and try all complaints in regard to persons wrongfully placed upon or omitted from the roll, or assessed at too high or too low a sum. R. S. O. 1877, c. 180, s. 53.

May administer oaths, etc.

62. The Court, or some member thereof, may administer an oath to any party or witness, before his evidence is taken, and may issue a summons to any witness to attend such Court. R. S. O. 1877, c. 180, s. 54. *See sec. 64 (16).*

Penalty on witnesses for non-attendance.

63. If a person summoned to attend the Court of Revision as a witness fails, without good and sufficient reason, to attend (having been tendered compensation for his time at the rate of fifty cents a day), he shall incur a penalty of \$20, to be recoverable, with costs, by and to the use of any person suing for the same, either by suit in the proper Division Court, or in any way in which penalties incurred under any by-law of the municipality may be recovered. R. S. O. 1877, c. 180, s. 55.

Proceeding for the Trial of Complaints.

Notice of complaint by party aggrieved.

64.—(1) Any person complaining of an error or omission in regard to himself, as having been wrongfully inserted on or omitted from the roll, or as having been undercharged or overcharged by the assessor in the roll, may personally, or by his agent give notice in writing to the clerk of the municipality, (or assessment commissioner, if any there be), that he considers himself aggrieved for any or all of the causes aforesaid.

and prepare notice to person complained against.

(9) The clerk shall prepare a notice in the form following for each person with respect to whom a complaint has been made :—

Form.

Take notice, that you are required to attend the Court of Revision at _____ on the _____ day _____ in the matter of the following appeal :

“ Appellant,

G.H.

“ Subject—That you are not a *bona fide* owner or occupant, (or as the case may be.)

“ (Signed)

X. Y.,

“ To J. K.

Clerk.”

Service to be at residence.

(10) If the person resides or has a place of business in the local municipality, the clerk shall cause the notice to be left at the person's residence or place of business.

How absentees served.

(11) If the person is not known, then the notice shall be left with some grown person on the assessed premises, if there is any such person there resident ; or if the person is not resident in the municipality, then the notice shall be addressed to such person through the post office.

When notice to be completed.

(12) Every notice hereby required, whether by publication, advertisement, letter or otherwise, shall be completed at least six days before the sittings of the Court.

Clerk may require assistance in making services.

Power to adjourn.

(13) Where necessary, the clerk of the municipality may, at the cost of the municipality, call to his aid such assistance as may be required to effect the services which he is required by law to make ; and in the event of his failure to effect such services in time for the first sitting of the Court, the Court, in its discretion, may appoint an adjourned sitting, for the purpose of hearing the appeals for which the services were not effected in time for the first day, and the proper services shall be made for such adjourned day.

Proceedings when party assessed complains of overcharge on personal property, etc.

(14) If the party assessed complains of an overcharge on his personal property or taxable income, he or his agent may appear before the Court, and make a declaration, in case the complainant appears in person, in the form of Schedule C., D. or E. to this Act, according to the fact ; and if the complainant appears by agent, such agent may make the declaration in the form of Schedule F., G. or H., as the case may be ; and no abatement shall be made from the amount of income on account of debts due, nor from the value of personal property, other than income in respect of debts, except debts due for or on account of such personal property ; and the Court shall thereupon enter the person assessed at such an amount of personal property or taxable income as is specified in such declaration, unless such Court is dissatisfied with the declaration, in which case the party making the declaration, and any witnesses whom it may be desirable to examine, may be examined on oath by such Court, respecting the correctness of such declaration ; and such Court shall confirm, alter or amend the roll as the evidence seems to warrant. R. S. O. 1877, c. 180, s. 56 (1-14.)

Effect of declaration by each party.

(15) In other cases, the Court, after hearing the complainant, and the assessor or assessors, and any witness adduced, and, if deemed desirable, the party complained against, shall determine the matter, and confirm or amend the roll accordingly. And in all cases which come before the said Court it may increase the assessment or change it by assessing the right person, the clerk giving the latter or his agent four days' notice of such assessment, within which time he must appeal to said Court if he objects to such assessment. R. S. O. 1877, c. 180, s. 56 (15); 44 V. c. 25, s. 3.

Proceedings
in other cases.

(16) It shall not be necessary to hear upon oath the complainant or assessor, or the party complained against, unless where the Court deems it necessary or proper, or the evidence of the party is tendered on his own behalf or required by the opposite party.

Oaths of cer-
tain parties
not necessary.

(17) If either party fails to appear, either in person or by an agent, the Court may proceed *ex parte*.

When to pro-
ceed *ex parte*.

(18) Where it appears that there are palpable errors which need correction, the Court may extend the time for making complaints ten days further, and may then meet and determine the additional matter complained of, and the assessor may, for such purpose, be the complainant.

Extension of
time for com-
plaints.

(19) Subject to the provisions of sections 52 and 54, all the duties of the Court of Revision, which relate to the matters aforesaid, shall be completed and the rolls finally revised by the Court, before the 1st day of July in every year—except in the municipality of Shuniah, in which municipality all the duties of the Court of Revision which relate to the matters aforesaid shall be completed, and the rolls finally revised, by the Court, before the 15th day of July in every year, and except in municipalities coming within the provisions of chapter 185 of these Revised Statutes. R. S. O. 1877, c. 180, s. 56 (16-19.)

and to finish
business by
July 1st.

Provision as to
Shuniah.

(20) In case any person appeals against his assessment upon any ground, the Court of Revision, or the Judge of the County Court, as the case may be, may re-open the whole question of the assessment, so that omissions or errors in the assessment may be corrected, and the accurate amount for which the assessment should be made be placed on the assessment roll by the Court or Judge before handing the same over to the clerk of the municipality. 44 V. c. 25, s. 4.

65. The roll, as finally passed by the Court, and certified by the clerk as passed, shall, except in so far as the same may be further amended on appeal to the Judge of the County Court, be valid, and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such

Roll to be
binding, not-
withstanding
errors in it or
in notice sent
to persons as-
sessed.

roll, or any defect, error or misstatement in the notice required by section 47 of this Act, or the omission to deliver or transmit such notice. R. S. O. 1877, c. 180, s. 57.

Copy of assessment roll duly certified to be evidence.

66. A copy of any assessment roll, or portion of any assessment roll, written or printed, without any erasure or interlineation, and under the seal of the corporation, and certified to be a true copy by the clerk of the municipality, shall be received as *prima facie* evidence in any Court of justice without proof of the seal or signature, or the production of the original assessment roll, of which such certified copy purports to be a copy, or a part thereof. 50 V. c. 32, s. 4.

Further powers granted to Court of Revision for remitting or reducing taxes.

67. The Court shall also, before or after the 1st day of July, and with or without notice, receive and decide upon the petition from any person assessed for a tenement which has remained vacant during more than three months in the year for which the assessment has been made, or from any person who declares himself, from sickness or extreme poverty, unable to pay the taxes, or who, by reason of any gross and manifest error in the roll as finally passed by the Court, has been overcharged more than twenty-five per cent. on the sum he ought to be charged; and the Court may, subject to the provisions of any by-law in this behalf, remit or reduce the taxes due by any such person, or reject the petition; and the council of any local municipality may, from time to time, make such by-laws, and repeal or amend the same. R. S. O. 1877, c. 180, s. 58.

APPEALS FROM THE COURT OF REVISION.

Appeal from Court of Revision.

68.—(1) An appeal to the County Judge shall lie, not only against a decision of the Court of Revision on an appeal to said Court, but also against the omission, neglect or refusal of said Court to hear or decide an appeal.

Service of notice of appeal.

(2) The person appealing shall, in person or by his solicitor or agent, serve upon the clerk of the municipality (or assessment commissioner, if any there be), within five days after the date herein limited for closing the Court of Revision, a written notice of his intention to appeal to the County Judge—except in the municipality of Shuniah, in which municipality the notice shall be given within ten days after the 1st day of August in every year and except in municipalities coming within the provisions of chapter 185 of these Revised Statutes. R. S. O. 1877, c. 180, s. 59 (1, 2).

Day for hearing.

(3) The clerk shall, immediately after the time limited for filing said appeals, forward a list of the same to the Judge, who shall then notify the clerk of the day he appoints for the hearing thereof. 50 V. c. 32, s. 5.

Clerk to notify parties.

(4) The clerk shall thereupon give notice to all the parties appealed against in the same manner as is provided for giving

notice on a complaint under section 64 of this Act; but in the event of failure by the clerk to have the required service in any appeal made, or to have the same made in proper time, the Judge may direct service to be made for some subsequent day upon which he may sit.

(5) The clerk of the municipality shall cause a conspicuous notice to be posted up in his office, or the place where the council of the municipality hold their sittings, containing the names of all the appellants and parties appealed against, with a brief statement of the ground or cause of appeal, together with the date at which a Court will be held to hear appeals.

List of appellants, etc., to be posted up by clerk.

(6) The clerk of the municipality shall be the clerk of such Court.

Clerk of Court.

(7) At the Court so holden, the Judge shall hear the appeals and may adjourn the hearing from time to time, and defer judgment thereon at his pleasure, but so that all the appeals may be determined before the 1st day of August—except in the municipality of Shuniah (in which municipality all such appeals shall be determined before the 15th day of September in every year), and except in the cases provided for in sections 52 and 54, and except in municipalities coming within the provisions of chapter 185 of these Revised Statutes. R. S. O. 1877, c. 180, s. 59 (4-7).

Hearing and adjournment.

Proviso as to Shuniah, etc.

69. At the Court to be holden by the County Judge, or acting Judge of the Court, to hear the appeals hereinbefore provided for, the person having charge of the assessment roll passed by the Court of Revision shall appear and produce such roll, and all papers and writings in his custody connected with the matter of appeal, and such roll shall be altered and amended according to the decision of the Judge, if then given, who shall write his initials against any part of the said roll in which any mistake, error or omission is corrected or supplied; and if the decision is not then given, the clerk of the Court shall, when the same is given, forthwith alter and amend the roll, according to the same, and shall write his name against every such alteration or correction. R. S. O. 1877, c. 180, s. 60.

Assessment roll to be produced to the Court, and amended, etc.

Amendments how certified.

70. In all proceedings before the County Judge or acting Judge of the Court, under or for the purposes of this Act, such Judge shall possess all such powers for compelling the attendance of, and for the examination on oath of all parties, whether claiming or objecting or objected to, and all other persons whatsoever, and for the production of books, papers, rolls and documents, and for the enforcement of his orders, decisions and judgments, as belong to or might be exercised by him, in the Division Court or in the County Court. R. S. O. 1877, c. 180, s. 61.

Powers of Judge sitting in appeal Court of Revision.

Style of proceedings.

71. All process or other proceedings in, about or by way of appeal, may be entitled as follows :

In the matter of appeal from the Court of Revision of the
 , of

_____, Appellant,
and
_____, Respondent.

and the same need not be otherwise entitled, R. S. O. 1877.
c. 180, s. 62.

Costs to be apportioned by the Judge, and how enforced.

72. The cost of any proceeding before the Court of Revision or before the Judge as aforesaid shall be paid by or apportioned between the parties in such manner as the Court or Judge thinks fit, and where costs are ordered to be paid by any party claiming or objecting or objected to, or by any assessor, clerk of a municipality, or other person, the same shall be enforced, when ordered by the Court of Revision, by a distress warrant under the hand of the clerk and the corporate seal of the municipality, and when ordered by the Judge, by execution to be issued as the Judge may direct, either from the County Court or the Division Court within the county in which the municipality or assessment district, or some part thereof, is situated, in the same manner as upon an ordinary judgment for costs recovered in such Court. R. S. O. 1877, c. 180, s. 63.

What costs chargeable.

73. The costs chargeable or to be awarded in any case may be the costs of witnesses, and of procuring their attendance, and none other; and the same are to be taxed according to the allowance in the Division Court for such costs; and in cases where execution issues, the costs thereof as in the like Court, and of enforcing the same, may also be collected thereunder. R. S. O. 1877, c. 180, s. 64.

Decision of
County Judge
to be final.

74. The decision and judgment of the Judge or acting Judge shall be final and conclusive in every case adjudicated, and the clerk of the municipality shall amend the rolls accordingly. R. S. O. 1877, c. 180, s. 65.

Copy of roll to
be transmitted
to county
clerk.

75. When, after the appeal provided by this Act, the assessment roll has been finally revised and corrected, the clerk of the municipality shall, without delay, transmit to the county clerk a certified copy thereof. R. S. O. 1877, c. 180, s. 66.

Appeals where large amounts involved.

Appeals where large amounts or questions of law involved.

76.—(1) Where there is an appeal from any Court of Revision under section 68 of this Act to the County Court Judge of the county in which the assessment is made, and a person, partnership or corporation desiring to appeal has been assessed on one or more properties to an amount aggregating \$50,000, such person, partnership or corporation shall, on

depositing with the clerk of the Court of Revision appealed from the sum of \$50 to pay the travelling expenses of the board or Judge to be called in as hereinafter mentioned, have the right to have the appeal from the said Court of Revision heard by a board consisting of the Judges of the counties which constitute the County Court District, if the property assessed be in a county which forms part of a County Court District, and if not, then the party or corporation appealing may request, in writing, the said County Court Judge to associate with himself in hearing the said appeal, the Judge or acting Judge of the County Court of the county whose county town is nearest to the court house where the said appeal will be heard, and the said appeal shall thereupon be heard by the County Court Judge and the said Judge so called in as aforesaid, and in such cases the clerk of the municipality shall forthwith notify each of the Judges, whose duty it shall be to attend upon such appeal as aforesaid, by post, prepaid, of all notices of appeal coming within the provisions of this section, which are from time to time served upon him, and the Judge of the county in which the city, town, township or village lies, the decision of whose Court of Revision has been appealed against, shall arrange a day for the hearing of such appeals, and shall notify the clerk thereof, and the clerk shall immediately notify, by post, prepaid, the other Judge or Judges and the parties appealing.

(2) Where an appeal against an assessment lies from a Court of Revision to the Stipendiary Magistrate of the district or provisional county in which the property assessed is situate, and a person or corporation desiring to appeal is assessed on one or more properties in any township or union of townships to an amount in the aggregate exceeding \$50,000, such person or corporation shall have the right to appeal either to the said Stipendiary Magistrate or (on depositing with the clerk of the municipality the sum of \$50 to defray the travelling expenses of the County Court Judge hereinafter mentioned) to the Judge of the County Court of the county to which the said provisional county or district is attached for judicial purposes; the notice of such appeal, the time for bringing the same on, and the procedure generally, to be the same as in the case of an ordinary appeal from a Court of Revision to a County Court Judge.

(3) Sections 68 to 77 inclusive, shall apply to all appeals taken under the preceding two sub-sections, and the said Judges shall have the powers and duties which by the said sections, 68 to 77, are assigned to the County Court Judge therein referred to.

(4) When two Judges hear the appeal, and differ in their opinion as to the allowance of the said appeal or otherwise, then the said assessment appealed from shall stand confirmed.

(5) The clerk with whom any money is deposited to pay the travelling expenses as aforesaid shall pay out of the money

so deposited, upon requisition by the Judge, such sum as the said Judge shall certify to him as his travelling expenses in connection with the said appeal, and shall repay the balance, if any, to the person or corporation depositing the same.

(6) The provisions of this section shall also be held as applying in any case where the person, partnership, or corporation desiring to appeal has been assessed on properties to an amount not less than \$20,000, and not exceeding \$50,000, provided that the matter of appeal involves questions of law and does not involve only the question of the value at which such properties have been so assessed. 48 V. c. 42, s. 16.

APPEALS BY NON-RESIDENTS.

Appeals with respect to non-residents' lands.

77. In case any non-resident, whose land within the limits of any city, town, incorporated village or township, has been assessed in any revised and corrected assessment roll, complains by petition to the proper municipal council, at any time before the 1st day of May in the year next following that in which the assessment is made, such council shall, at its first meeting, after one week's notice to the appellant, try and decide upon such complaint; and all decisions of municipal councils under this Act may be appealed from, tried and decided, as provided by section 68 and following sections of this Act; and if the lands are found to have been assessed twenty-five per centum higher than similar land belonging to residents, the council or Judge shall order the taxes rated on such excess to be struck off; and, in all such cases, where the land has been subdivided into park, village or town lots, if the same are owned by the same person or persons, the statute labour tax shall be charged only upon the aggregate of the assessment, according to the provisions of this Act; but no roll shall be amended, under this section of this Act, if the complaint was tried and decided before such roll was finally revised and corrected, under the provisions of sections 64 to 75 of this Act. R. S. O. 1877, c. 180, s. 67.

Lots subdivided not to affect rolls revised and corrected.

EQUALIZATION OF ASSESSMENTS.

Annual examination of assessment rolls by municipal councils, and for what purpose.

78. The council of every county shall, yearly, before imposing any county rate, and except as provided by sections 52 and 54, not later than the 1st day of July, examine the assessment rolls of the different townships, towns and villages in the county, for the preceding financial year, for the purpose of ascertaining whether the valuations made by the assessors in each township, town or village bear a just relation one to another, and may, for the purpose of county rates, increase or decrease the aggregate valuations of real and personal property in any township, town or village, adding or deducting so much per centum as may, in their opinion, be

necessary to produce a just relation between the valuations of real and personal estate in the county; but they shall not reduce the aggregate valuation thereof for the whole county as made by the assessors. R. S. O. 1877, c. 180, s. 68 (1): 46 V. c. 24, s. 1.

79. If any municipality is dissatisfied with the action of any county council in increasing or decreasing, or refusing to increase or decrease the valuation of any municipality, the proceedings shall be as follows: Appeals to equalization of assessments.

1. The municipality so dissatisfied may appeal from the decision of the council at any time within ten days after such decision, by giving to the clerk of the county council notice in writing, which notice shall state whether the municipality appealing is willing to have the final equalization of the assessment made by the County Judge;

2. Every county council, at the same session in which the assessment has been equalized, shall determine whether the said council is willing to have the final equalization of the assessment, in case of appeal, made by the County Judge;

3. Upon receiving notice of appeal, in case any party to the appeal has objected to the final equalization of the assessment being made by the County Judge, the clerk of the county council shall forthwith notify in writing the Provincial Secretary of such objection, giving the name or names of the municipality or municipalities so objecting; 43 V. c. 27, s. 18 (1-3).

4. The Lieutenant Governor in Council, upon receiving the notice in writing from the clerk of any county council, may appoint two persons, one of whom shall be the sheriff or registrar of the county in which the appeal is made, and the other a Judge of another county, who together with the county Judge shall form a Court, and the said Court shall at such time and place as the Lieutenant-Governor in Council may appoint, proceed to hear and determine the matter of appeal either with or without the evidence of witnesses, or with such evidence as they may decide upon having, and may examine witnesses under oath or otherwise, and may adjourn from time to time. and, except as provided in sections 52 and 54, the judgment of the said Court shall not be deferred beyond the 1st day of August next after the notice of the appeal; and the Court shall equalize the whole assessment of the county. And in the event of the assessment of any one or more municipalities being reduced or increased by the Court, directions shall be given to the clerk of the county council to increase or reduce the rate imposed by the by-law of the county council so that such rate will, calculated upon the finally revised and equalized assessment, produce the sum which such by-law is intended to provide. 42 V. c. 31, s. 33 (3); 43 V. c. 27, s. 18, (4); 48 V. c. 42, s. 15.

5. The Judge of the other county shall be entitled to a reasonable allowance for his services, the same not to exceed \$10 a day, besides his travelling and other expenses, and to be paid by the county; 43 V. c. 27, s. 18 (5).

6. Any two members of such Court shall constitute a quorum, and such Court may proceed and adjudicate upon such appeal, notwithstanding the office of sheriff or of registrar or of County Judge is vacant. 42 V. c. 31, s. 33 (5).

7. Where all the parties to the appeal have agreed, as above provided, to have the final equalization of the assessment made by the County Judge, the clerk of the county council shall forthwith notify in writing the County Judge, and the County Judge shall appoint a day for hearing the appeal, not later than ten days from the receipt of such notice of the appeal, and may on such day proceed to hear and determine the matter of appeal, and may adjourn the hearing from time to time, but, except as provided in sections 52 and 54, the judgment shall not be deferred beyond the 1st day of August next after such appeal; and the Judge shall equalize the whole assessment of the county. 43 V. c. 27, s. 18 (6).

Appeal in cases of equalization of assessment.

8. The right of appeal shall exist whether county valuers have been appointed or not, and upon any such appeal the report of the county valuers shall be open to review by the Court or Judge as herein provided. 41 V. c. 13, s. 1.

Effect of clerk of municipality omitting to send copy of roll.

80. If the clerk of the municipality has neglected to transmit a certified copy of the assessment roll, such neglect shall not prevent the county council from equalizing the valuations in the several municipalities according to the best information obtainable; and any rate imposed, according to the equalized assessment, shall be as valid as if all the assessment rolls had been transmitted. R. S. O. 1877, c. 180, s. 69.

Valuers to attest their report on oath.

81. In cases where valuers are appointed by the council to value all the real and personal property within the county, they shall attest their report by oath or affirmation in the same manner as assessors are required to verify their rolls by section 142 of this Act. R. S. O. 1877, c. 180, s. 70.

Apportionment of county rates, how to be based.

82. The council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall, in order that the same may be assessed equally on the whole ratable property of the county, make the amount of property returned on the assessment rolls of such townships, towns and villages, or reported by the valuers as finally revised and equalized for the preceding year, the basis upon which the apportionment is made. R. S. O. 1877, c. 180, s. 71.

Case of new municipalities.

83. Where a new municipality is erected within a county, so that there are no assessment or valuers' rolls of the new

municipality for the next preceding year, the county council shall, by examining the rolls of the former municipality or municipalities of which the new municipality then formed part, ascertain, to the best of their judgment, what part of the assessment of the municipality or municipalities had relation to the new municipality, and what part should continue to be accounted as the assessment of the original municipality, and their several shares of the county tax shall be apportioned between them accordingly. R. S. O. 1877, c. 180, s. 72.

84. Where a sum is to be levied for county purposes, or by the county for the purposes of a particular locality, the council of the county shall ascertain, and, by by-law, direct what portion of such sum shall be levied in each township, town or village in such county or locality. R. S. O. 1877, c. 180, s. 73.

County councils to apportion sums required for county purposes.

85. Subject to the provisions of sections 52 and 54 the county clerk shall, before the 15th day of August in each year, certify to the clerk of each municipality in the county, the total amount which has been so directed to be levied therein for the then current year, for county purposes, or for the purposes of any such locality; and the clerk of the municipality shall calculate and insert the same in the collector's roll for that year. R. S. O. 1877, c. 180, s. 74.

County Clerk to certify amounts to clerks of local municipalities.

86. Nothing in this Act contained shall alter or invalidate any special provisions for the collection of a rate for interest on county debentures, whether such provisions are contained in any municipal Act now or formerly in force in this Province, or in any Act respecting the Consolidated Municipal Loan Fund in Ontario or in any general or special Act authorizing the issue of debentures, or in any by-law of the county council providing for the issue of the same. R. S. O. 1877, c. 180, s. 75.

Act not to affect provisions for rates to raise interest on county debentures.

STATUTE LABOUR.

87. No person in Her Majesty's Naval or Military Service on full pay, or on actual service, shall be liable to perform statute labour or to commute therefor; nor shall any non-commissioned officer or private of the Volunteer Force, certified by the officer commanding the company to which such volunteer belongs or is attached as being an efficient volunteer; but this last exemption shall not apply to any volunteer who is assessed for property. R. S. O. 1877, c. 180, s. 76. (*Firemen exempted in certain cases. See Cap. 188, s. 6.*)

Certain persons in military service exempt.

88. Every other male inhabitant of a city, town or village of the age of twenty-one years and upwards, and under sixty years of age (and not otherwise exempted by law from performing statute labour), who has not been assessed upon the assessment roll of the city, town or village, or whose taxes do

Who liable and in what ratio, in cities, towns and villages.

not amount to \$2, shall, instead of such labour, be taxed at \$2 yearly therefor, to be levied and collected at such time, by such person, and in such manner as the council of the municipality may, by by-law, direct, and such inhabitant shall not be required to have any property qualification. R. S. O. 1877, c. 180, s. 77.

Power to reduce or abolish payment in lieu of statute labour.

89. The council of every city, town and incorporated village, may pass a by-law or by-laws to reduce or abolish the amount to be paid in lieu of statute labour, as provided by the next preceding section. 46 V. c. 24, s. 2.

Where to be performed.

90. Subject to the provisions of the next preceding section, no person shall be exempt from the tax in section 88 mentioned, unless he produces a certificate of his having performed statute labour or paid the tax elsewhere. R. S. O. 1877, c. 180, s. 78.

Liability of persons not otherwise assessed in townships.

91. Subject to the provisions of the next succeeding section, every male inhabitant of a township, between the ages aforesaid, who is not otherwise assessed, and who is not exempt by law from performing statute labour, shall be liable to two days of statute labour on the roads and highways in the township. R. S. O. 1877, c. 180, s. 79.

Power to reduce or abolish statute labour.

92. The council of every township shall have the power to pass by-laws to reduce the amount of statute labour to be performed by the ratepayers or others within the township, or to entirely abolish such statute labour and the performance thereof by all persons within said township. 43 V. c. 27, s. 21.

Ratio of service in case of persons assessed.

93.—(1) Every person assessed upon the assessment roll of a township shall, if his property is assessed at not more than \$300, be liable to two days' statute labour; at more than \$300 but not more than \$500, three days; at more than \$500 but not more than \$700, four days; at more than \$700 but not more than \$900, five days; and for every \$300 over \$900, or any fractional part thereof over \$150, one additional day; but the council of any township, by a by-law operating generally and ratably, may reduce or increase the number of days' labour to which all the parties, rated on the assessment roll or otherwise, shall be respectively liable, so that the number of days' labour to which each person is liable shall be in proportion to the amount at which he is assessed.

Council may reduce or increase the number of days proportionately.

Lots subdivided as park lots, etc.

(2) In townships where farm lots have been subdivided into park or village lots, and the owners are not resident, and have not required their names to be entered on the assessment roll, the statute labour shall be commuted by the township clerk in making out the list required under section 121 of this Act, where such lots are under the value of \$200.

to a rate not exceeding one-half per centum on the valuation; but the council may direct a less rate to be imposed by a general by-law affecting such village lots. R. S. O. 1877, c. 180, s. 80.

94. The council of any township may, by by-law, direct that a sum not exceeding \$1 a day shall be paid as commutation of statute labour, in which case the commutation tax shall be added in a separate column in the collector's roll, and shall be collected and accounted for like other taxes. R. S. O. 1877, c. 180, s. 81.

95. Any local municipal council may, by a by-law passed for that purpose, fix the rate at which parties may commute their statute labour, at any sum not exceeding \$1 for each day's labour, and the sum so fixed shall apply equally to residents who are subject to statute labour, and to non-residents in respect to their property. R. S. O. 1877, c. 180, s. 82.

96. Where no such by-law has been passed, the statute labour in townships, in respect of lands of non-residents, shall be commuted at the rate of \$1 for each day's labour. R. S. O. 1877, c. 180, s. 83.

97. Every farmer's son rated and entered as such on the assessment roll of any municipality, shall, if not otherwise exempted by law, be liable to perform statute labour or commute therefor, as if he were not so rated and assessed. R. S. O. 1877, c. 180, s. 84.

98.—(1) Any person liable to pay the sum named in section 88, or any sum for statute labour commuted under section 94 of this Act, shall pay the same to the collector to be appointed to collect the same, within two days after demand thereof by the said collector; and in case of neglect or refusal to pay the same, the collector may levy the same by distress of goods and chattels of the defaulter, with costs of the distress; and if no sufficient distress can be found, then upon summary conviction before a Justice of the Peace of the county in which the local municipality is situate, of his refusal or neglect to pay the said sum, and of there being no sufficient distress, he shall incur a penalty of \$5 with costs, and, in default of payment at such time as the convicting Justice shall order, shall be committed to the common gaol of the county, and be there put to hard labour for any time not exceeding ten days, unless such penalty and costs and the costs of the warrant of commitment and of conveying the said person to gaol are sooner paid.

(2) Any person liable to perform statute labour under section 91 of this Act not commuted, shall perform the

same when required so to do by the pathmaster or other officer of the municipality appointed for the purpose; and, in case of wilful neglect or refusal to perform such labour after six days' notice requiring him to do the same, shall incur a penalty of \$5, and upon summary conviction thereof before a Justice of the Peace aforesaid, such Justice shall order the same, together with the costs of prosecution and distress, to be levied by distress of the offender's goods and chattels, and, in case there is no sufficient distress, such offender may be committed to the common gaol of the county and there put to hard labour for any time not exceeding ten days, unless such penalty and costs and the costs of the warrant of commitment and of conveying the said person to gaol are sooner paid.

(3) All sums and penalties, other than costs, recovered under this section, shall be paid to the treasurer of the local municipality, and form part of the statute labour fund thereof. R. S. O. 1877, c. 180, s. 85. See cap. 197, s. 7.

Non-residents when not admitted to perform statute labour.

99. No non-resident who has not required his name to be entered on the roll, shall be permitted to perform statute labour in respect of any land owned by him, but a commutation tax shall be charged against every separate lot or parcel according to its assessed value; and, in all cases in which the statute labour of a non-resident is paid in money, the municipal council shall order the same to be expended in the statute labour division where the property is situate, or where the said statute labour tax is levied. R. S. O. 1877, c. 180, s. 86.

When non-residents admitted, but do not perform statute labour.

100.—(1) In case any non-resident, whose name has been entered on the resident roll, does not perform his statute labour or pay commutation for the same, the overseer of highways in whose division he is placed shall return him as a defaulter to the clerk of the municipality, before the 15th day of August, and the clerk shall in that case, enter the commutation for statute labour against his name in the collector's roll; and in all cases both of residents and non-residents, the statute labour shall be rated and charged against every separate lot or parcel according to its assessed value.

Amount of non-residents' statute labour.

(2) Whenever one person is assessed for lots or parts of several lots in one municipality, not exceeding in the aggregate two hundred acres, the said part or parts shall be rated and charged for statute labour as if the same were one lot, and the statute labour shall be rated and charged against any excess of said parts in like manner; but every resident shall have the right to perform his whole statute labour in the statute labour division in which his residence is situate, unless otherwise ordered by the municipal council. R. S. O. 1877, c. 180, s. 87.

Proviso.

101.—(1) Where a resident owner, tenant or occupant who has been entered upon the assessment roll, after notice or demand, makes default in performing his statute labour or in payment of commutation for the same, the overseer of the highways in whose division he is placed, shall return him as a defaulter to the clerk of the municipality before the fifteenth day of August, and the clerk shall in that case enter the commutation for statute labour against his name in the collector's roll, and the same shall be collected by the collector.

If resident owner, etc., makes default commutation for statute labour to be entered upon collector's roll.

(2) In every such case the clerk shall notify the overseer of highways, that may be appointed for such division in the following year, of the amount of such commutation, and the overseer shall expend the amount of such commutation upon the roads in the statute labour division where the property is situate, and shall give an order upon the treasurer of the municipality to the person performing the work. 50 V. c. 32, s. 6.

Overseer to expend the commutation money.

Statute Labour in Unincorporated Townships—Road Commissioners.

102. Twenty resident landholders in any township which has not been incorporated (either alone or in union with some other township) shall have the right to have a public meeting called for the purpose of electing road commissioners. 46 V. c. 22, s. 1.

Meeting for election of road commissioners.

103. The persons desiring the meeting to be called shall sign a requisition authorizing some person named in the requisition, and who may either reside in the township or otherwise, to call a meeting of the resident landholders of the township for the purpose aforesaid. 46 V. c. 22, s. 2.

Requisition for meeting.

104. In case the person so named declines to call a meeting or neglects to do so, for ten days after the request is presented to him, any three of the persons who signed the requisition may call the meeting. 46 V. c. 22, s. 3.

How meeting may be called in case person named in requisition fails to call it.

105. The notice calling the meeting shall name a place, day and hour, where the meeting is to be held; it shall be posted at six places at the least in the township, and the day named shall be at least six days distant from the day of posting the notice. 46 V. c. 22, s. 4.

Notice of meeting.

106. The election shall take place at the time named, and the number of the commissioners to be elected shall be either three or five, as may be stated in the requisition, unless the meeting shall, before proceeding to an election, decide that a number different from that stated in the requisition shall be elected, but such number shall not be less than three nor more than five. 46 V. c. 22, s. 5.

Number of commissioners.

Chairman of meeting.

107. In case the meeting is called by the person named in the requisition, he shall be entitled to preside at the meeting as chairman, but if he is absent, or declines to act, the landholders present may appoint another chairman; the chairman shall act as returning officer, and shall, in the event of a tie, have a casting vote, although he may have previously voted, or may not be a landholder of the township; the landholders present shall also appoint a secretary, who shall record the proceedings. 46 V. c. 22, s. 6.

Mode of voting.

108. The landholders present shall decide how the voting for commissioners shall be conducted, and if the vote is taken openly the commissioners shall be elected one at a time, but if it is decided to proceed by ballot all the commissioners shall be elected together, each person having the right to vote for as many persons as there are commissioners to be elected. 46 V. c. 22, s. 7.

Record of persons voting.

109. The chairman shall, at the request of any two landholders present, direct the secretary to record the names of all persons voting and (unless the vote is by ballot) how each votes. 46 V. c. 22, s. 8.

Objections to voters.

110. If an objection is made to the right of any person to vote at the meeting, such person shall name the property in respect of which he claims the right to vote, and the chairman shall administer to such person an oath, or affirmation if he be by law permitted to affirm, according to the following form whereupon such person shall be permitted to vote :

You swear (*or, if the voter is entitled to affirm, solemnly affirm, as the case may be*), that you are of the age of twenty-one years, and that you are the owner or locatee of lot _____ in the concession of this township, and that you are entitled to vote at this election.
So help you God.

46 V. c. 22, s. 9, Form A.

Term of office.

111. The commissioners elected shall hold office until the 31st day of December next after their election. 46 V. c. 22, s. 10.

First meeting of commissioners.

112. The commissioners shall meet within a fortnight after their election, and shall then, or as soon thereafter as may be, name the roads and parts of roads upon which statute labour is to be performed, and shall appoint the places and times at which the persons required to perform statute labour are to work. 46 V. c. 22, s. 11.

Time for performance of statute labour.

113. The times to be appointed for the performance of statute labour shall, unless the meeting of landholders to elect commissioners otherwise directs, be not earlier than the 20th day of June, nor later than the 20th day of July, in any year. 47 V. c. 32, s. 24.

114. Each owner or locatee of land may be required each year to perform two days' labour for every one hundred acres he holds, and for the first ten acres which he has cleared after the first ten, he may be required to perform one day's additional labour, and for every twenty acres over and above the first ten, one additional day's labour. 46 V. c. 22, s. 12.

Ratio of service by owners and locatees of land.

115. Each commissioner shall, during the time he is required to perform statute labour, act as overseer, and the commissioners shall arrange among themselves for overseeing the various bodies of men engaged in doing statute labour. A commissioner may be paid out of the commutation fund for not exceeding two days' labour at the rate of \$1.25 per day, if performed by him over and above the number of days' labour he may by law be required to perform in respect of his own property. 46 V. c. 22, s. 13.

Commissioners to oversee work.

116. Any person instead of performing the statute labour required of him may commute therefor by payment at the rate of \$1 per day, and the commissioners shall expend all commutation moneys upon the roads on which the labour which is commuted for should have been performed. 46 V. c. 22, s. 14.

Commutation.

117. The majority of the commissioners may call a meeting, to be held at any time during the month of January, for the election of their successors, but in case of their failure so to do, a meeting may be called in the manner hereinbefore provided for a first election. 46 V. c. 22, s. 15.

Meeting for election of new commissioners.

118. Any person liable to perform statute labour under the next preceding 16 sections, who, after six days' notice requiring him to do the same, wilfully neglects or refuses to perform, at the time and place named by the commissioners, the number of days' labour for which he is liable, shall incur a penalty of \$5, and in addition \$1 for each day in respect of which he makes default, the same to be paid to the commissioners and to be expended in improving the said roads, and upon such person's conviction thereof before a Justice of the Peace having jurisdiction in the township, such Justice shall order the penalty together with costs of prosecution and distress, to be levied by distress of the offender's goods and chattels. 46 V. c. 22, s. 16.

Penalty for neglect to perform work.

COLLECTION OF RATES.

119. The clerk of every local municipality shall make a collector's roll or rolls as may be necessary, containing columns for all information required by this Act, to be entered by the collector therein; and in such roll or rolls he shall set down the name in full of every person assessed, and the assessed value of his real and personal property and taxable income, as ascertained after the final revision of the assessments, and he shall calculate, and, opposite the said assessed value as therein

Clerks of municipalities to make out collectors' rolls; their form, contents, etc.

described of each respective person, he shall set down in one column to be headed "County Rates," the amount for which the person is chargeable for any sums ordered to be levied by the council of the county for county purposes, and in another column to be headed "Township Rate," "Village Rate," "Town Rate," or "City Rate," as the case may be, the amount with which the person is chargeable in respect of sums ordered to be levied by the council of the local municipality for the purposes thereof, or for the commutation of statute labour, and in other columns any special rate for collecting the interest upon debentures issued, or any local rate or school rate or other special rate, the proceeds of which are required by law, or by the by-law imposing it, to be kept distinct and accounted for separately; and every such last mentioned rate shall be calculated separately, and the column therefor headed "*Special Rate*," "*Local Rate*," "*Public School Rate*," "*Separate School Rate*," or "*Special Rate for School Debts*," as the case may be. R. S. O. 1877, c. 180, s. 88.

Provincial taxes to be assessed and collected in same manner as local rates.

120. All moneys assessed, levied and collected under any Act by which the same are made payable to the Treasurer of this Province, or other public officer for the public uses of the Province, or for any special purpose or use mentioned in the Act, shall be assessed, levied and collected in the same manner as local rates, and shall be similarly calculated upon the assessments as finally revised, and shall be entered in the collectors' rolls in separate columns, in the heading whereof shall be designated the purpose of the rate; and the clerk shall deliver the roll, certified under his hand, to the collector on or before the 1st day of October, or such other day as may be prescribed by a by-law of the local municipality. R. S. O. 1877, c. 180, s. 89.

Clerk to make out rolls of lands of non-residents whose names not in assessment rolls, etc.

121. The clerk of every local municipality shall also make out a roll in which he shall enter the lands of non-residents whose names have not been set down in the assessor's roll, together with the value of every lot, part of lot, or parcel, as ascertained after the revision of the rolls; and he shall enter opposite to each lot or parcel, all the rates or taxes with which the same is chargeable, in the same manner as is provided for the entry of rates and taxes upon the collector's roll, and shall transmit the roll so made out, certified under his hand, to the treasurer of the county in which his municipality is situate, or to the treasurer of the city or town, as the case may be, on or before the 1st day of November. R. S. O. 1877, c. 180, s. 90.

COLLECTORS AND THEIR DUTIES.

Duties of collectors.

122. The collector, upon receiving his collection roll, shall proceed to collect the taxes therein mentioned. R. S. O. 1877, c. 180, s. 91.

123.—(1) In cities and towns he shall call at least once on the person taxed, or at the place of his usual residence or domicile, or place of business, if within the local municipality in and for which such collector has been appointed, and shall demand payment of the taxes payable by such person; or he shall leave or cause to be left with the person taxed, or at his residence or domicile, or place of business, or upon the premises in respect of which the taxes are payable, a written or printed notice, specifying the amount of such taxes, and shall, at the time of such demand or notice, or immediately thereafter, enter the date thereof on his collection roll opposite the name of the person taxed, or cause the same to be so entered; and such entry shall be *prima facie* evidence of such demand or notice. 45 V. c. 28, s. 5. Collectors to demand payment of rates.

(2) In places other than cities and towns, he shall call at least once on the person taxed, or at the place of his usual residence or domicile, or place of business, if within the local municipality in and for which such collector has been appointed, and shall demand payment of the taxes payable by such person, and shall at the time of such demand enter the date thereof on his collection roll opposite the name of the person taxed; and such entry shall be *prima facie* evidence of such demand. R. S. O. 1877, c. 180, s. 92.

124.—(1) In case a person neglects to pay his taxes for fourteen days after such demand, or, in the case of cities and towns, after such demand or notice as aforesaid, the collector may, by himself or by his agent, levy the same with costs, by distress of the goods and chattels of the person who ought to pay the same, or of any goods or chattels in his possession, wherever the same may be found within the county in which the local municipality lies, or of any goods or chattels found on the premises, the property of, or in the possession of, any other occupant of the premises: and the costs chargeable shall be those payable to bailiffs under *The Division Courts Act*. R. S. O. 1877, c. 180, s. 93; 45 V. c. 28, s. 6. When payment is not made, collectors to levy the tax by distress and sale.

(2) If at any time after demand has been made, or, in the case of cities and towns, after demand has been made or notice served by the collector as aforesaid, and before the expiry of the fourteen days mentioned in this section, the collector has good reason to believe that any party by whom taxes are payable, is about to remove his goods and chattels out of the municipality before the fourteen days has expired, and makes affidavit to that effect before the mayor or reeve of the municipality, or before any justice of the peace, such mayor, reeve or justice shall issue a warrant to the collector authorizing him to levy for the taxes and costs, in the manner provided by this Act, although the fourteen days after demand or notice, as the case may be, may not have expired, and such collector may levy accordingly. 44 V. c. 25, s. 5; 45 V. c. 28, s. 7. Levy of taxes under warrant.

(3) A city shall for the purposes of this section be deemed to be within the county of which it forms judicially a part. 48 V. c. 42, s. 14.

Proceedings in case of non-residents.

125. If any person whose name appears on the roll is not resident within the municipality, the collector shall transmit to him by post, addressed in accordance with the notice given by such non-resident, if notice has been given, a statement and demand of the taxes charged against him in the roll, and shall at the time of such transmission enter the date thereof on the roll, opposite the name of such person; and such entry shall be *prima facie* evidence of such transmission and of the time thereof, and the said statement and demand shall contain, written or printed on some part thereof, the name and post-office address of such collector. R. S. O. 1877, c. 180, s. 94; 45 V. c. 28, s. 8.

When collectors may distrain for rates on non-residents' land.

126. In case of the land of non-residents, who have required their names to be entered on the roll, the collector, after one month from the date of the delivery of the roll to him, and after fourteen days from the time such demand as aforesaid has been so transmitted by post, may make distress of any goods and chattels which he may find upon the land; and no claim of property, lien or privilege shall be available to prevent the sale, or the payment of the taxes and costs out of the proceeds thereof. R. S. O. 1877, c. 180, s. 95.

Public notice of sale to be given, and in what manner.

127. The collector shall, by advertisement posted up in at least three public places in the township, village or ward wherein the sale of the goods and chattels distrained is to be made, give at least six days' public notice of the time and place of such sale, and of the name of the person whose property is to be sold: and, at the time named in the notice, the collector or his agents shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary. R. S. O. 1877, c. 180, s. 96.

Surplus, if unclaimed, to be paid to party in whose possession the goods were;

128. If the property distrained has been sold for more than the amount of the taxes and costs, and if no claim to the surplus is made by any other person, on the ground that the property sold belonged to him, or that he was entitled by lien or other right to the surplus, such surplus shall be returned to the person in whose possession the property was when the distress was made. R. S. O. 1877, c. 180, s. 97.

or to admitted claimant.

129. If such claim is made by the person for whose taxes the property was distrained, and the claim is admitted, the surplus shall be paid to the claimant. R. S. O. 1877, c. 180, s. 98.

When the right to such surplus contested.

130. If the claim is contested, such surplus money shall be paid over by the collector to the treasurer of the local muni-

cipality, who shall retain the same until the respective rights of the parties have been determined by action or otherwise. R. S. O. 1877, c. 180, s. 99.

131. If the taxes payable by any person cannot be recovered in any special manner provided by this Act, they may be recovered with interest and costs, as a debt due to the local municipality, in which case the production of a copy of so much of the collector's roll as relates to the taxes payable by such person, purporting to be certified as a true copy by the clerk of the local municipality, shall be *prima facie* evidence of the debt. R. S. O. 1877, c. 180, s. 100.

132 In towns, villages, and townships every collector shall return his roll to the treasurer on or before the 14th day of December in each year, or on such day in the next year not later than the 1st day of February, as the council of the municipality may appoint, and shall pay over the amount payable to such treasurer, specifying in a separate column on his roll how much of the whole amount paid over is on account of each separate rate; and shall make oath before the treasurer that the date of the demand of payment and transmission of statement and demand of taxes, required by sections 123 and 125 in each case, has been truly stated by him in the roll. R. S. O. 1877, c. 180, s. 101; 44 V. c. 25, s. 6.

133. -(1) In case the collector fails or omits to collect the taxes or any portion thereof by the day appointed or to be appointed as in the last preceding section mentioned, the council of the town, village or township may, by resolution, authorize the collector, or some other person in his stead, to continue the levy and collection of the unpaid taxes, in the manner and with the powers provided by law for the general levy and collection of taxes. R. S. O. 1877, c. 180, s. 102 (1); 44 V. c. 25, s. 6.

(2) No such resolution or authority shall alter or affect the duty of the collector to return his roll, or shall, in any manner whatsoever, invalidate or otherwise affect the liability of the collector or his sureties. R. S. O. 1877, c. 180, s. 102 (2).

134. The council of every city may, by by-law, fix the times for the return of the collector's rolls and any enlargements of the same. 44 V. c. 25, s. 6.

135. If any of the taxes mentioned in the collector's roll remain unpaid, and the collector is not able to collect the same, he shall deliver to the treasurer of his municipality an account of all the taxes remaining due on the roll; and, in such account, the collector shall shew, opposite to each assessment, the reason why he could not collect the same by inserting in each case the words *Non-Resident* or *Not sufficient property*

Recovery of taxes by action.

Evidence.

Collector to return his roll, and pay over proceeds by the day to be appointed by Council.

Other persons may be employed to collect taxes which Collector does not collect by a certain day.

In cities the council may fix the time for return of collectors' rolls.

Proceedings when taxes are unpaid, and cannot be collected.

to *distrain*, or *Instructed by Council not to collect*, as the case may be; and such collector shall at the same time furnish the clerk of the municipality with a duplicate of such account, and the clerk shall, upon receiving such account, mail a notice to each person appearing on the roll with respect to whose land any taxes appear to be in arrear for that year. R. S. O. 1877, c. 180, s. 103; 49 V. c. 38, s. 9.

When thus not collected, collectors to be credited with amount.

136. Upon making oath before the treasurer that the sums mentioned in such account remain unpaid, and that he has not, upon diligent inquiry, been able to discover sufficient goods or chattels belonging to or in possession of the persons charged with or liable to pay such sums, or on the premises belonging to or in the possession of any occupant thereof, whereon he could levy the same, or any part thereof, the collector shall be credited with the amount not realized. R. S. O. 1877, c. 180, s. 104.

Taxes to be a lien upon land.

137. The taxes accrued on any land shall be a special lien on such land, having preference over any claim, lien, privilege, or incumbrance of any party except the Crown, and shall not require registration to preserve it. R. S. O. 1877, c. 180, s. 105.

YEARLY LISTS OF LAND GRANTED BY THE CROWN.

Annual lists of lands granted, etc., to be furnished by Commissioner of Crown Lands.

138. The Commissioner of Crown Lands shall, in the month of February in every year, transmit to the treasurer of every county a list of all the land within the county patented, located as free grants, sold or agreed to be sold by the Crown, or leased, or appointed to any person, or in respect of which a license of occupation issued during the preceding year. R. S. O. 1877, c. 180, s. 106. *See also* Cap. 24, s. 36.

County treasurers to furnish copies of lists to clerks of municipalities.

139. The county treasurer shall furnish to the clerk of each local municipality in the county a copy of the said lists, so far as regards lands in such municipality, and such clerk shall furnish the assessors respectively with a statement showing what lands in the said annual list are liable to assessment within such assessor's assessment district. R. S. O. 1877, c. 180, s. 107.

ARREARS OF TAXES.

Duties of Treasurers, Clerks and Assessors in relation thereto.

Lists of lands three years in arrears for taxes to be furnished to clerks.

140. The treasurer of every county shall furnish to the clerk of each municipality, except cities and towns, in the county, and the treasurer of every city and town shall furnish to the clerk of his municipality, a list of all the lands in his municipality in respect of which any taxes have been in arrear for the three years next preceding the 1st day of January in any year; and the said list shall be so furnished on

or before the 1st day of February in every year, and shall be headed in the words following: "*List of lands liable to be sold for arrears of taxes in the year 18* ;" and, for the purposes of this Act, the taxes for the first year of the three which have expired under the provisions of this Act, on any land to be sold for taxes, shall be deemed to have been due for three years, although the same may not have been placed upon a collector's roll until some month in the year later than the month of January. R. S. O. 1877, c. 180, s. 108.

141. The clerk of the municipality is hereby required to keep the said list, so furnished by the treasurer, on file in his office, subject to the inspection of any person requiring to see the same, and he shall also deliver to the assessor or assessors of the municipality, in each year, as soon as such assessor or assessors are appointed, a copy of such list; and it shall be the duty of the assessor or assessors to ascertain if any of the lots or parcels of land contained in such list are occupied, or are incorrectly described, and to notify such occupants and also the owners thereof, if known, whether resident within the municipality or not, upon their respective assessment notices, that the land is liable to be sold for arrears of taxes, and enter in a column (to be reserved for the purpose) the words "*Occupied and Parties Notified*," or "*Not Occupied*," as the case may be; and all such lists shall be signed by the assessor or assessors and returned to the clerk with the assessment roll, together with a memorandum of any error discovered therein, and the clerk shall file the same in his office for public use; and every such list, or copy thereof, shall be received in any Court as evidence, in any case arising concerning the assessment of such lands. R. S. O. 1877, c. 180, s. 109. See s. 204.

Local clerks to keep the lists in their offices open to inspection, give copies to assessors, notify occupants, etc.

Lists to be evidence.

142. The assessors shall attach to each such list a certificate signed by them, and verified by oath or affirmation, in the form following:

Assessor's certificate.

"I do certify that I have examined all the lots in this list named; and that I have entered the names of all occupants thereon; as well as the names of the owners thereof, when known; and that all the entries relative to each lot are true and correct, to the best of my knowledge and belief."

R. S. O. 1877, c. 180, s. 110.

143.—(1) The clerk of each municipality shall examine the assessment roll when returned by the assessor, and ascertain whether any lot embraced in the said list last received by him from the treasurer pursuant to section 140, is entered upon the roll of the year as then occupied, or is incorrectly described; and shall forthwith furnish to the said treasurer a list of the several parcels of land which appear on the resident roll as having become occupied, or which have been returned by the assessor as incorrectly described.

Local clerks to certify lands which have become occupied.

Return of
taxes due to
be made to
treasurer.

(2) Except in the cases provided for by sections 52 and 54, on or before the 1st day of July in the then current year, the county treasurer shall return to the clerk of each local municipality other than a city or town, and every city or town treasurer shall return to the clerk of the city or town, an account of all arrears of taxes due in respect of such occupied lands, including the percentage chargeable under section 157 of this Act.

Clerk to insert
such amount
on Collector's
roll.

(3) The clerk of each municipality shall, in making out the collector's roll of the year, add such arrears of taxes to the taxes assessed against such occupied lands for the current year; and such arrears shall be collected in the same manner and subject to the same conditions as all other taxes entered upon the collector's roll. R. S. O. 1877, c. 180, s. 111.

When there is
not sufficient
distress on
such lands.

144. If there is not sufficient distress upon any of the occupied lands, in the preceding section named, to satisfy the total amount of the taxes charged against the same, as well for the arrears as for the taxes of the current year, the collector shall so return it in his roll to the treasurer of the municipality, shewing the amount collected, if any, and the amount remaining unpaid, and stating the reason why payment has not been made. R. S. O. 1877, c. 180, s. 112.

Statement of
arrears to be
returned by
local Treas-
urer, and
when.

145.—(1) The treasurer of every township and village shall, within fourteen days after the time appointed for the return and final settlement of the collector's roll, and before the 8th day of April in every year, furnish the county treasurer with a statement of all unpaid taxes and school rates directed in the said collector's roll or by school trustees to be collected.

(2) Such return shall contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, and of arrears of taxes paid, on lands of non-residents which have become occupied, as required by section 141 of this Act, and generally such other information as the county treasurer may require and demand, in order to enable him to ascertain the just tax chargeable upon any land in the municipality for that year; and the county treasurer shall not be bound to receive any such statement after the 8th day of April in each year. R. S. O. c. 1877, c. 180, s. 113.

Liability of
lands to sale
if arrears are
not paid, and
when.

146. In case it is found by the statement directed by the last preceding section to be made to the county treasurer, that the arrears of taxes upon the occupied lands of non-residents, directed by section 143 of this Act to be placed on the collector's roll, or any part thereof, remain in arrear, such land shall be liable to be sold for such arrears, and shall be included in the next or ensuing list of lands to be sold by the county treasurer, under the provisions of section 160 of this Act, notwithstanding that the same may be occupied in the year

when such sale takes place; and such arrears shall not again be placed upon the collector's roll for collection. R. S. O. 1877, c. 180, s. 114.

147. If the clerk of any municipality neglects to preserve the said list of lands in arrears for taxes, furnished to him by the treasurer, in pursuance of section 140, or to furnish copies of such lists, as required, to the assessor or assessors, or neglects to return to the treasurer a correct list of the lands which have come to be occupied, as required by section 143 of this Act, and a statement of the balances which remain uncollected on any such lots, as required by section 144 of this Act; or if any assessor or assessors neglect to examine such lands as are entered on each such list, and make returns in manner hereinbefore directed, every officer making such default shall, on summary conviction thereof before any two Justices of the Peace having jurisdiction in the county in which such municipality is situated, be liable to the penalties imposed by sections 225, 226 and 227 of this Act; all fines so imposed shall be recoverable by distress and sale of any goods and chattels of the party making default. R. S. O. 1877, c. 180, s. 115.

Penalty on Clerks and Assessors neglecting duties under preceding sections.

How to be levied.

148.—(1) After the collector's roll has been returned to the treasurer of a township or village, and before such treasurer has furnished the statement to the county treasurer, mentioned in section 145, arrears of taxes may be paid to such local treasurer; but after the said statement has been referred to the county treasurer, no more money on account of the arrears then due shall be received by any officer of the municipality to which the roll relates.

After return of roll who to receive taxes.

(2) The collection of arrears shall thenceforth belong to the treasurer of the county alone, and he shall receive payment of such arrears, and of all taxes on lands of non-residents, and he shall give a receipt therefor, specifying the amount paid, for what period, the description of the lot or parcel of land, and the date of payment, in accordance with the provisions of section 205 of this Act. R. S. O. 1877, c. 180, s. 116.

After statement under sec. 145, collection of arrears to belong to County Treasurer only.

149. Any local municipality may, by by-law, remit, either in the whole or in part, any taxes now due or to become due upon the lands of non-residents within such municipality, specifying the particular lands upon which the remission is made; and, upon the passing of such by-law, it shall be the duty of the clerk forthwith to transmit a copy of the by-law to the treasurer or other officer having the collection of such arrears, who shall then collect only so much of the said taxes as are not remitted. R. S. O. 1877, c. 180, s. 117.

Municipalities may remit taxes due on non-resident lands.

150. The treasurer shall not receive any part of the tax charged against any parcel of land unless the whole of the arrears then due is paid, or satisfactory proof is produced of the previous payment, or erroneous charge of any portion thereof; but

The whole amount to be paid at once, unless the land is subdivided.

if satisfactory proof is adduced to him that any parcel of land on which taxes are due has been subdivided, he may receive the proportionate amount of tax chargeable upon any of the subdivisions, and leave the other subdivisions chargeable with the remainder; and the treasurer may, in his books, divide any piece or parcel of land which has been returned to him in arrear for taxes, into as many parts as the necessities of the case may require. R. S. O. 1877, c. 180, s. 118.

If demanded, Treasurer to give a written statement of arrears.

151. The treasurer shall, on demand, give to the owner of any land charged with arrears of taxes, a written statement of the arrears at that date, and he may charge twenty cents for the search on each separate lot or parcel not exceeding four, and, for every additional ten lots, a further fee of twenty cents; but the treasurer shall not make any charge for search to any person who forthwith pays the taxes. R. S. O. 1877, c. 180, s. 119.

Lands on which taxes unpaid to be entered in certain books by Treasurer.

152. The treasurer of every county shall keep a separate book for each township and village, in which he shall enter all the lands in the municipality on which it appears from the returns made to him by the clerk and from the collector's roll returned to him, that there are any taxes unpaid, and the amounts so due; and he shall, on the 1st day of May in every year, complete and balance his books by entering against every parcel of land, the arrears, if any, due at the last settlement, and the taxes of the preceding year which remain unpaid, and he shall ascertain and enter therein the total amount of arrears, if any, chargeable upon the land at that date. R. S. O. 1877, c. 180, s. 120.

Municipalities united and afterwards dis-united, etc.

153. If two or more local municipalities, having been united for municipal purposes, are afterwards disunited, or if a municipality or part of a municipality is afterwards added to or detached from any county, or to or from any other municipality, the treasurer shall make corresponding alterations in his books, so that arrears due on account of any parcel or lot of land, at the date of the alteration, shall be placed to the credit of the municipality within which the land after such alteration, is situate. R. S. O. 1877, c. 180, s. 172, *part*.

Proceedings where any land is found not to have been assessed in any year.

154. If, at the yearly settlement to be made on the 1st day of May, it appears to the treasurer that any land liable to assessment has not been assessed, he shall report the same to the clerk of the municipality; thereupon, or if it comes to the knowledge of the clerk in any other manner that such land has not been assessed, the clerk shall, under the direction of the council, enter such land on the collector's roll next prepared by him thereafter, or on the roll of non-residents, as the case may be, as well for the arrears omitted of the year preceding only, if any, as for the tax of the current year: and the valuation of such land so entered shall be the average valuation of

the three previous years, if assessed for the said three years, but if not so assessed, the clerk shall require the assessor or assessors for the current year to value such lands; and it shall be the duty of the assessor or assessors to value such lands when required, and certify the valuation in writing to the clerk; and the owners of such lands shall have the right to appeal to the council at its next or some subsequent meeting after the taxes thereon have been demanded, but within fourteen days after such demand, which demand shall be made before the 10th day of November; and the council shall hear and determine such appeal on some day not later than the 1st day of December. How land to be valued. Appeal from valuation. R. S. O. 1877, c. 180, s. 121.

155. The county treasurer may correct any clerical error which he himself discovers, from time to time, or which may be certified to him by the clerk of any municipality. Treasurer to correct errors. R. S. O. 1877, c. 180, s. 122.

156. If any person produces to the treasurer, as evidence of payment of any tax, any paper purporting to be a receipt of a collector, school trustee, or other municipal officer, he shall not be bound to accept the same until he has received a report from the clerk of the municipality interested, certifying the correctness thereof, or until he is otherwise satisfied that such tax has been paid. As to payment of receipts, etc. R. S. O. 1877, c. 180, s. 123.

157. If, at the balance to be made on the 1st day of May in every year, it appears that there are any arrears due upon any parcel of land, the treasurer shall add to the whole amount then due ten per centum thereon. Ten per cent. to be added to arrears yearly. R. S. O. 1877, c. 180, s. 124.

158. Where the county treasurer is satisfied that there is distress upon any lands of non-residents in arrear for taxes in a township or village municipality, he may issue a warrant under his hand and seal to the collector of such municipality, who shall thereby be authorized to levy the amount due, upon any goods and chattels found upon the land, in the same manner, and subject to the same provisions, as are contained in sections 124 to 130 inclusive of this Act, with respect to distresses made by collectors. When there is distress upon lands of non-residents, Treasurer may authorize collector to levy. R. S. O. 1877, c. 180, s. 125.

159. Unpatented land vested in or held by Her Majesty which may be hereafter sold, or agreed to be sold, to any person, or which may be located as a free grant, shall be liable to taxation from the date of such sale or grant; and any such land which had been already sold, or agreed to be sold, to any person, or had been located as a free grant, prior to the 1st day of January, 1863, shall be held to have been liable to taxation since the 1st day of January, 1863, and all such lands shall be liable to taxation thenceforward under this Act, in the same way as other land, whether any license of occupation, location ticket, certificate of sale, or receipt for money paid on such sale, From what period unpatented lands shall be liable to taxation.

Rights of the
Crown saved.

has or has not been, or is or is not issued, and, in case of sale, or agreement for sale by the Crown, whether any payment has or has not been, or is or is not made thereon, and whether any part of the purchase money is or is not overdue and unpaid; but such taxation shall not in any way affect the rights of Her Majesty in such lands. R. S. O. 1877, c. 180, s. 126.

SALE OF LANDS FOR TAXES.

When lands to
be sold for
taxes.

160. Where a portion of the tax on any land has been due for and in the third year, or for more than three years preceding the current year, the treasurer of the county shall, unless otherwise directed by a by-law of the county council, submit to the warden of such county a list in duplicate of all the lands liable under the provisions of this Act to be sold for taxes, with the amount of arrears against each lot set opposite to the same, and the warden shall authenticate each of such lists by affixing thereto the seal of the corporation and his signature, and one of such lists shall be deposited with the clerk of the county, and the other shall be returned to the treasurer, with a warrant thereto annexed, under the hand of the warden and the seal of the county, commanding him to levy upon the land for the arrears due thereon, with his costs. R. S. O. 1877, c. 180, s. 127.

Arrears due
for three years
to be levied by
warrant of
Warden to
Treasurer.

Council may
extend time
for payment.

161. The council of a county, city or town, shall have power from time to time to extend beyond the term of three years, the time for the enforced collection by sale of non-resident taxes by by-law passed for that purpose. R. S. O. 1877, c. 180, s. 128.

Treasurer's
duty on re-
ceiving war-
rant to sell.

162. It shall not be the duty of the treasurer to make inquiry before effecting a sale of lands for taxes, to ascertain whether or not there is any distress upon the land; nor shall he be bound to inquire into or form any opinion of the value of the land. R. S. O. 1877, c. 180, s. 129.

What lands
only the Treas-
urer shall sell.

163. The treasurer shall not sell any lands which have not been included in the lists furnished by him to the clerks of the several municipalities in the month of February preceding the sale, nor any of the lands which have been returned to him as being occupied under the provisions of section 143 of this Act, except the lands, the arrears for which had been placed on the collection roll of the preceding year, and again returned unpaid and still in arrear in consequence of insufficient distress being found on the lands. R. S. O. 1877, c. 180, s. 130.

County Treas-
urer to pre-
pare list of
lands to be
sold and ad-
vertise in
Gazette.

164.—(1) The county treasurer shall prepare a copy of the list of lands to be sold, required by section 160 of this Act, and shall include therein, in a separate column, a statement of the proportion of costs chargeable on each lot for advertising, and for the commissions authorized by this Act to be paid

to him, distinguishing the lands as patented, unpatented, or under lease or license of occupation from the Crown, and shall cause such list to be published four weeks in the *Ontario Gazette*, and once a week, for thirteen weeks, in some newspaper published within the county, and, in the case of a union of counties, in each county of the union, if there be one published in each county, and if not, in such county or counties of the union in which a newspaper is published, or, if none be so published, in some other newspaper published in some adjoining county.

(2) Where a junior county is separated from a union of counties after a return is made to the treasurer of the united counties of lands in arrear for taxes, but such lands have not been advertised for sale by the treasurer of the united counties, or senior county, such treasurer shall return to the treasurer of the junior county a list of all the lands within the junior county returned as in arrear for taxes, and not advertised; and the treasurer and warden of the junior county shall have power respectively to take all the proceedings which treasurers and wardens, under this Act, can take for the sale and conveyance of lands in arrears for taxes; but, in case the lands in such junior county have been advertised by the treasurer of the united counties before such separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place. R. S. O. 1877, c. 180, s. 131.

Proceedings when lands in arrear for taxes in Junior County separated from Union of Counties.

165. The advertisement shall contain a notification, that unless the arrears and costs are sooner paid, the treasurer will proceed to sell the lands for the taxes, on a day, and at a place named in the advertisement. R. S. O. 1877, c. 180, s. 132.

Notice to be given in such advertisement.

166. The day of sale shall be more than ninety-one days after the first publication of the list. R. S. O. 1877, c. 180, s. 133.

Time of sale.

167. The treasurer shall also post a notice similar to the said advertisement in some convenient and public place at the court house of the county, at least three weeks before the time of sale. R. S. O. 1877, c. 180, s. 134.

Notice to be posted up.

168. The treasurer shall, in each case add to the arrears published, his commission and the costs of publication. R. S. O. 1877, c. 180, s. 135.

Expenses added to arrears.

169. If, at any time appointed for the sale of the lands, no bidders appear, the treasurer may adjourn the sale from time to time. R. S. O. 1877, c. 180, s. 136.

Adjourning sale, if no bidders.

170.—(1). If the taxes have not been previously collected, or if no person appears to pay the same at the time and place appointed for the sale, the treasurer shall sell by public auction so much of the land as is sufficient to discharge the taxes, and

Mode in which the lands shall be sold by the Treasurer.

all lawful charges incurred in and about the sale, and the collection of the taxes, selling in preference such part as he may consider best for the owner to sell first; and, in offering or selling such lands, it shall not be necessary to describe particularly the portion of the lot which is to be sold, but it shall be sufficient to say that he will sell so much of the lot as may be necessary to secure the payment of the taxes due; and the amount of taxes stated in the treasurer's advertisement shall, in all cases, be held to be the correct amount due.

When land does not sell for full amount of taxes.

(2) If the treasurer fails at such sale to sell any land for the full amount of arrears of taxes due, he shall at such sale adjourn the same until a day then to be publicly named by him, not earlier than one week, nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the local newspaper, or in one of the local papers in which the original sale was advertised, and on such day he shall sell such lands unless otherwise directed by the local municipality in which they are situate, for any sum he can realize, and shall accept such sum as full payment of such arrears of taxes; but the owner of any land so sold shall not be at liberty to redeem the same, except upon payment to the county treasurer of the full amount of taxes due, together with the expenses of sale; and the treasurer shall account to the local municipality for the full amount of taxes paid. R. S. O. 1877, c. 180, s. 137.

Purchase by municipalities of land sold for taxes.

(3) If the council of the local municipality, in which the same shall be situate, desire to become the purchasers of any lot to which sub-section 2 refers for the amount of the arrears of taxes thereon, it shall be lawful for such municipality to purchase the same if the price offered at such adjourned sale shall be less than the amount of such arrears, and if the council of the local municipality shall before the day of such adjourned sale have given notice in writing of the intention so to do, and it shall be the duty of the council of such local municipality to sell any lands which shall be so acquired within three years from the time when they shall be acquired. 50 V. c. 32, s. 7.

When Treasurer sells land the fee of which is in Crown, he shall only sell the interest of lessee, etc.

171. If the treasurer sells any interest in land of which the fee is in the Crown, he shall only sell the interest therein of the lessee, licensee, or locatee, and it shall be so distinctly expressed in the conveyance to be made by the treasurer and warren, and such conveyance shall give the purchaser the same rights in respect of the land as the original lessee, licensee or locatee enjoyed, and shall be valid, without requiring the assent of the Commissioner of Crown Lands. R. S. O. 1877, c. 180, s. 138.

When purchaser fails to pay purchase money.

172. If the purchaser of any parcel of land fails immediately to pay to the treasurer the amount of the purchase money the treasurer shall forthwith again put up the property for sale. R. S. O. 1877, c. 180, s. 139.

Certificate of Sale—Tax Deed.

173. The treasurer, after selling any land for taxes shall give a certificate under his hand to the purchaser, stating distinctly what part of the land, and what interest therein, have been so sold, or stating that the whole lot or estate has been so sold, and describing the same, and also stating the quantity of land, the sum for which it has been sold, and the expenses of sale, and further stating that a deed conveying the same to the purchaser or his assigns, according to the nature of the estate or interest sold, with reference to sections 170 and 171 of this Act, will be executed by the treasurer and warden on his or their demand, at any time after the expiration of one year from the date of the certificate, if the land is not previously redeemed. R. S. O. 1877, c. 180, s. 140.

Treasurer selling lands to give purchaser a certificate of land sold.

174.—(1) The purchaser shall, on the receipt of the treasurer's certificate of sale, become the owner of the land, so far as to have all necessary rights of action and powers for protecting the same from spoliation or waste, until the expiration of the term during which the land may be redeemed; but he shall not knowingly permit any person to cut timber growing upon the land, or otherwise injure the land, nor shall he do so himself, but he may use the land without deteriorating its value.

Purchaser, of lands sold for taxes to be deemed owner thereof, for certain purposes, on receipt of Treasurer's certificate.

(2) The purchaser shall not be liable for damage done without his knowledge to the property during the time the certificate is in force. R. S. O. 1877, c. 180, s. 141.

Proviso.

175. From the time of a tender to the treasurer of the full amount of redemption money required by this Act, the purchaser shall cease to have any further right in, or to the land in question. R. S. O. 1877, c. 180, s. 142.

Effect of tender of arrears, etc.

176. Every treasurer shall be entitled to two and one-half per centum commission upon the sums collected by him, as aforesaid. R. S. O. 1877, c. 180, s. 143.

Treasurer's commission.

177. Where land is sold by a treasurer, according to the provisions of section 164, and following sections of this Act, he may add the commission and costs which he is hereby authorized to charge for the services above mentioned, to the amount of arrears on those lands in respect of which such services have been severally performed, and in every case he shall give a statement in detail with each certificate of sale, of the arrears and costs incurred. R. S. O. 1877, c. 180, s. 144.

Fees, etc., on sales of land.

178. The treasurer shall, in all certificates and deeds given for lands sold at such sale, give a description of the part sold with sufficient certainty, and if less than a whole lot is sold, then he shall give such a general description as may enable a sur-

Expenses of search in Registry Office for description, etc.

veyor to lay off the piece sold on the ground ; and he may make search, if necessary, in the registry office, to ascertain the description and boundaries of the whole parcel, and he may also obtain a surveyor's description of such lots, to be taken from the registry office or the government maps, where a full description cannot otherwise be obtained, such surveyor's fee not to exceed \$1 ; and the charge so incurred shall be included in the account and paid by the purchaser of the land sold, or the party redeeming the same. R. S. O. 1877, c. 180, s. 145.

Treasurer entitled to no other fees.

179. Except as before provided, the treasurer shall not be entitled to any other fees or emoluments whatever for any services rendered by him relating to the collection of arrears of taxes on lands. R. S. O. 1877, c. 180, s. 146.

Owners may, within one year, redeem estate sold by paying purchase money and 10 per cent. thereon.

180. The owner of any land which may hereafter be sold for non-payment of arrears of taxes, or his heirs, executors, administrators or assigns, or any other person, may, at any time within one year from the day of sale, exclusive of that day, redeem the estate sold by paying or tendering to the county treasurer, for the use and benefit of the purchaser or his legal representatives, the sum paid by him, together with ten per centum thereon ; and the treasurer shall give to the party paying such redemption money, a receipt stating the sum paid and the object of payment ; and such receipt shall be evidence of the redemption. R. S. O. 1877, c. 180, s. 147.

Deed of sale, if not redeemed.

181. If the land is not redeemed within the period so allowed for its redemption, being one year exclusive of the day of sale as aforesaid, then, on the demand of the purchaser, or his assigns, or other legal representative, at any time afterwards, and on payment of \$1, the treasurer shall prepare and execute with the warden, and deliver to him or them, a deed in duplicate of the land sold, in which deed any number of lots may be included at the request of the purchaser or any assignee of the purchaser. R. S. O. 1877, c. 180, s. 148.

Meaning of words Treasurer and Warden.

182. The words "treasurer" and "warden" in the preceding section shall mean the persons who at the time of the execution of the deed in such section mentioned hold the said offices. R. S. O. 1877, c. 180, s. 149.

Contents of deed and effect thereof.

183. The deed shall be in the form, or to the same effect as in Schedule K to this Act, and shall state the date and cause of the sale, and the price, and shall describe the land according to the provisions of section 178 of this Act, and shall have the effect of vesting the land in the purchaser or his heirs and assigns or other legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold ; and no such deed shall be invalid for any error or miscalculation in the amount of taxes or interest thereon in

arrear, or any error in describing the land as "patented" or "unpatented" or "held under a license of occupation." R. S. O. 1877, c. 180, s. 150.

184.—(1) The deed shall be registered in the registry office of the registry division in which the lands are situate, within eighteen months after the sale, otherwise the parties claiming under the sale shall not be deemed to have preserved their priority as against a purchaser in good faith who has registered his deed prior to the registration of the deed from the warden and treasurer. *See* Cap. 114, s. 78.

Deed to be registered within eighteen months to obtain priority.

(2) The registrar or deputy registrar upon production of the duplicate deed, shall enter the same in the registry book, and give a certificate of such entry and registration in accordance with *The Registry Act*. R. S. O. 1877, c. 180, s. 151.

Registration of deeds. R. S. O. 114.

185. As respects land sold for taxes before the 1st day of January, 1851, on the receipt by the registrar of the proper county or place, of a certificate of the sale to the purchaser under the hand and seal of office of the sheriff, stating the name of the purchaser, the sum paid, the number of acres and the estate or interest sold, the lot or tract of which the same forms part, and the date of the sheriff's conveyance to the purchaser, his heirs, executors, administrators or assigns, and on production of the conveyance from the sheriff to the purchaser, his heirs, executors, administrators or assigns, such registrar shall register any sheriff's deed of land sold for taxes before the 1st day of January, 1851; and the mode of such registry shall be the entering on record a transcript of such deed or conveyance. R. S. O. 1877, c. 180, s. 152.

On what certificate Registrar registers Sheriff's deeds of lands sold for taxes before 1851.

186. As respects land sold for taxes since the 1st day of January, 1851, and prior to the 1st of January, 1866, the sheriff shall also give the purchaser or his assigns, or other legal representatives, a certificate under his hand and seal of office of the execution of the deed, containing the particulars in the last section mentioned: and such certificate, for the purpose of registration in the registry office of the proper registry division of any deed of lands so sold for taxes, shall be deemed a memorial thereof; and the deed shall be registered, and a certificate of the registry thereof shall be granted by the registrar, on production to him of the deed and certificate, without further proof; and the registrar shall, for the registry and certificate thereof, be entitled to seventy cents and no more. R. S. O. 1877, c. 180, s. 153.

Sheriff to give certificate of execution of conveyances since January 1st, 1851, and before 1st January, 1866, for registration.

187. The treasurer shall enter in a book, which the county council shall furnish, a full description of every parcel of land conveyed by him to purchasers for arrears of taxes, with an index thereto, and such book, after such entries have been made

Treasurer to enter in a book descriptions of lands conveyed to purchaser by him.

therein, shall, together with all copies of collectors' rolls and other documents relating to non-resident lands, be by him kept among the records of the county. R. S. O. 1877, c. 180, s. 154.

Deed to be binding on all, if land not redeemed in one year.
32 V. c. 36 (O.)

188. If any tax in respect of any lands sold by the treasurer, in pursuance of and under the authority of the Assessment Act of 1869, or of chapter 180 of the Revised Statutes of Ontario, 1877, or of this Act, has been due for the third year or more years preceding the sale thereof, and the same is not redeemed in one year after the said sale, such sale and the official deed to the purchaser of any such lands (provided the sale be openly and fairly conducted) shall be final and binding upon the former owners of the said lands, and upon all persons claiming by, through or under them—it being intended by this Act that all owners of land shall be required to pay the arrears of taxes due thereon within the period of three years, or redeem the same within one year after the treasurer's sale thereof. R. S. O. 1877, c. 180, s. 155.

Deed valid against all parties, if not questioned within a certain time.

189. Whenever lands are sold for arrears of taxes, and the treasurer has given a deed for the same, such deed shall be to all intents and purposes valid and binding, except as against the Crown, if the same has not been questioned before some Court of competent jurisdiction by some person interested in the land so sold within two years from the time of sale. R. S. O. 1877, c. 180, s. 156.

Certain Treasurer's deeds not to be invalid, if the sale is valid.

190. In all cases where lands have been validly sold for taxes, the conveyance by the treasurer who made the sale, or his successors in office, shall not be invalid by reason of the statute under the authority whereof the sale was made having been repealed at and before the time of such conveyance, or by reason of the treasurer who made the sale having gone out of office. R. S. O. 1877, c. 180, s. 157.

Rights of entry adverse to tax-purchaser.

in possession not to be conveyed.

Rev. Stat. c. 100, s. 9.

Common Law and 32 H. viii. c. 9, ss. 2, 4 & 6, revived.

191. In all cases where lands are sold for arrears of taxes, whether such sale is or is not valid, then so far as regards rights of entry adverse to any *bona fide* claim or right, whether valid or invalid, derived mediately or immediately under such sale, section 9 of *The Act respecting the Law and Transfer of Property* shall not apply, to the end and intent that in such cases the right or title of persons claiming adversely to any such sale shall not be conveyed where any person is in occupation adversely to such right or title, and that in such cases the Common Law and sections 2, 4 and 6 of the statute passed in the 32nd year of the reign of King Henry VIII, and chaptered 9, be revived, and the same are and shall continue to be revived. R. S. O. 1877, c. 180, s. 158.

Where sale or conveyance void for uncertainty, and

192—(1) In all cases (not being within any of the exceptions and provisions of sub-section 3 to this section), where lands having been legally liable to be assessed for taxes, are sold as

for arrears of taxes, and such sale or the conveyance consequent thereon is invalid by reason of uncertain and insufficient designation or description of the lands assessed, sold or conveyed, and the right or title of the tax purchaser is not valid, and the tax purchaser has entered on the lands so liable to assessment or any part thereof, and has improved the same, then in case an action for the recovery of the lands is brought against such tax purchaser and he is liable to be ejected by reason of the invalidity of such sale or conveyance, the Judge before whom the action is tried shall direct the jury to assess, or shall himself (if the case be tried without a jury), assess damages for the defendant for the amount of the purchase money at the sale and interest thereon, and of all taxes paid in respect of the lands since the sale by the tax purchaser and interest thereon, and of any loss to be sustained in consequence of any improvements made before the commencement of the action by the defendant, and all persons through or under whom he claims, less all just allowances for the net value of any timber sold off the lands, and all other just allowances to the plaintiff, and shall assess the value of the land to be recovered.

purchaser had improved, the value of the land and improvements, etc., to be assessed and

(2) If a verdict is found for the plaintiff, no writ of possession shall issue until the plaintiff has paid into Court for the defendant the amount of such damages; or, if the defendant desires to retain the land, he may retain it, on paying into Court, on or before the fourth day of the ensuing sittings, or on or before any subsequent day to be appointed by the Court, the value of the land as assessed at the trial; after which payment, no writ of possession shall issue, but the plaintiff on filing in Court for the defendant a sufficient release and conveyance to the defendant, of his right and title to the land in question, shall be entitled to the money so paid in.

The plaintiff to pay for his improvements, etc., unless tax purchaser elects to retain the land on paying its value.

(3) This section shall not apply in the following cases:

Section not to apply

(a) If the taxes for non-payment whereof the lands were sold have been fully paid before the sale;

if taxes paid before sale;

(b) If, within the period limited by law for redemption, the amount paid by the purchaser, with all interest payable thereon, has been paid or tendered to the person entitled to receive such payment, with a view to redemption of the lands;

if land redeemed;

(c) Where on the ground of fraud or evil practice by the purchaser at such sale, a Court would grant equitable relief. R. S. O. 1877 c. 180, s. 159.

in cases of fraud.

193—(1) In any of the cases named in the preceding section wherein the plaintiff is not tenant in fee simple, or fee tail, the payment into Court to be made as aforesaid, of the value of the land, by the defendant desiring to retain the land, shall be into the High Court and the plaintiff and all parties entitled to and interested in the said lands, as against the purchaser at

When the owner is not tenant in fee, the value of the land to be paid into Court.

such sale for taxes, on filing in the High Court, a sufficient release and conveyance to the defendant of their respective rights and interests to the land, shall be entitled to the money so paid in such proportions and shares as to the High Court, regarding the interests of the various parties, seems proper.

When the owner is not tenant in fee, the value of improvements, etc., to be paid into Court.

Any other person interested may pay in value assessed if defendant does not.

(2) In any of such cases wherein the defendant is not tenant in fee simple or fee tail, then the payment of damages into Court to be made as aforesaid by the plaintiff shall be into the High Court. R. S. O. 1877, c. 180, s. 160.

194—(1) If the defendant does not pay into Court, the value of the land assessed as aforesaid, on or before the fourth day of the said sittings, or on or before such subsequent day as may be appointed by the Court, then any other person interested in the lands under the sale or conveyance for taxes may, before the end of the said sittings, or before the expiry of ninety days from any subsequent day to be appointed by the Court for payment by the defendant, pay into Court the said value of the lands; and till the expiration of the time within which such payment may be made, and after such payment, no writ of possession shall issue.

The payer to have a lien for such proportion as exceeds his interest.

(2) The defendant, or other person so paying in shall be entitled as against all others interested in the lands under the sale or conveyance for taxes, to a lien on the lands for such amount as exceeds the proportionate value of his interest in the lands, enforceable in such manner and in such shares and proportions as to the High Court, regarding the interests of the various parties, and on hearing the parties, seems fit. R. S. O. 1877, c. 180, s. 161.

How the owner can obtain the value of the land paid in.

195. In case the defendant or any other person interested, pays into Court in manner aforesaid, the plaintiff shall be entitled to the amount so paid in, on filing in Court a sufficient release and conveyance to the party so paying in, of all his right and title to the lands, in which release and conveyance it shall be expressed that the same is in trust for such party, to secure his lien as aforesaid. R. S. O. 1877, c. 180, s. 162.

How the value of improvements, etc., paid in can be obtained.

196. If the said value of the lands is not paid into Court as above provided, then the amount of the damages paid into the High Court shall be paid out to the various persons, who, if the sale for taxes were valid would be entitled to the lands, in such shares and proportions as to the High Court, regarding the interests of the various parties, seems fit. R. S. O. 1877, c. 180, s. 163.

Provision as to costs in cases where value of the land and improvements, etc., only in question.

197.—(1) In all actions for the recovery of land in which both the plaintiff (if his title were good) would be entitled in fee simple or fee tail, and the defendant (if his title were good) would be also so entitled, if the defendant, at the time of appearing gave notice in writing to the plaintiff in such action or to his soli-

citor named on the writ, of the amount claimed, and that on payment of such amount, the defendant or person in possession would surrender the possession to the plaintiff; or that he desired to retain the land, and was ready and willing to pay into Court a sum mentioned in the said notice as the value of the land, and that the defendant did not intend at the trial to contest the title of the plaintiff; and if the jury, or the Judge, if there be no jury, before whom the action is tried, assess damages for the defendant as provided in the next preceding five sections, and it satisfactorily appears that the defendant does not contest the action for any other purpose than to retain the land on paying the value thereof, or obtain damages, the Judge before whom the action is tried, shall certify such fact upon the record, and thereupon the defendant shall be entitled to the costs of the defence, in the same manner as if the plaintiff had been nonsuited on the trial, or a verdict had been rendered for the defendant.

(2) If on the trial it is found that such notice was not given as aforesaid, or if the Judge or jury assess for the defendant a less amount than that claimed in the notice, or find that the defendant had refused to surrender possession of the land after tender made of the amount claimed, or (where the defendant has given notice of his intention to retain the said land), that the value of the land is greater than the amount mentioned in the said notice, or that he has omitted to pay into Court the amount mentioned in the said notice for thirty days after the plaintiff had given to the defendant a written notice that he did not intend to contest the value of the land mentioned in such notice, then in such case the Judge shall not certify, and the defendant shall not be entitled to the costs of the defence, but shall pay costs to the plaintiff; and upon the trial of any cause after such notice, no evidence shall be required to be produced in proof of the title of the plaintiff. R. S. O. 1877, c. 180, s. 164.

198. In any case in which the title of the tax purchaser is not valid, or in which no remedy is otherwise provided by this Act, the tax purchaser shall have a lien on the lands for the purchase money paid at such sale, and interest thereon at the rate of ten per centum per annum, and for the amount of all taxes paid by him or them since such sale and interest thereon at the rate aforesaid, to be enforced against the lands in such proportions as regards the various owners, and in such manner as the High Court thinks proper. R. S. O. 1877, c. 180, s. 165.

Tax purchaser without other remedy whose title is invalid to have a lien on the land for purchase money, etc.

199. No valid contract entered into between any tax purchaser and original owner, in regard to any lands sold or assumed to have been sold for arrears of taxes, as to purchase, lease, or otherwise, shall be annulled or interfered with by this Act, but such contract shall remain in force, and all consequences thereof, as to admission of title or otherwise, as if this Act had not been passed. R. S. O. 1877, c. 180, s. 166.

Contracts between tax-purchaser and original owner continued.

Secs. 190-199,
not to apply
where the
owner has
occupied since
sale.

200. Nothing in the next preceding ten sections of this Act contained shall affect the right or title of the owner of any lands sold as for arrears of taxes, or of any person claiming through or under him, where such owner at the time of the sale was in occupation of the land, and the same have since the sale been in the occupation of such owner, or of those claiming through or under him. R. S. O. 1877, c. 180, s. 167.

Other Acts re-
medial to pur-
chasers con-
tinued.

201. Nothing in the next preceding eleven sections of this Act contained shall prejudice the right or title which any purchaser at any sale for taxes, or any one claiming through or under him, has heretofore acquired or hereafter acquires under any other statute. R. S. O. 1877, c. 180, s. 168.

Construction
of "Tax-pur-
chaser," "Ori-
ginal owner."

202. In the construction of the next preceding twelve sections of this Act, occupation by a tenant shall be deemed the occupation of the reversioner; and the words "tax purchaser" shall apply to any person who purchases at any sale under colour of any statute authorizing sales of lands for taxes in arrear, and shall include and extend to all persons claiming through or under him; and the words "original owner" shall include and extend to any person who, at the time of such sale, was legally interested in or entitled to the land sold, or assumed to be sold, and all persons claiming through or under him. R. S. O. 1877, c. 180, s. 169.

DEFICIENCY FROM NON-PAYMENT OF CERTAIN TAXES PROVIDED FOR.

Deficiencies in
certain taxes
to be supplied
by local
municipality.

203. Every local municipal council, in paying over any school or local rate, or its share of any county rate, or of any other tax or rate lawfully imposed for Provincial or local purposes; shall supply, out of the funds of the municipality, any deficiency arising from the non-payment of the tax, but shall not be held answerable for any deficiency arising from the abatements of, or inability to collect, the taxes on personal property other than for county rates. R. S. O. 1877, c. 180, s. 175.

ARREARS OF TAXES IN CITIES AND TOWNS.

Collection of
arrears of
taxes in cities
and towns.

204. In cities and towns arrears of taxes shall be collected and managed in the same way as is hereinbefore provided in the case of other municipalities; and for such purposes the municipal officers of cities and towns shall perform the same duties as the like officers in other municipalities; and the treasurer and mayor of every city or town shall, for such purposes, also perform the like duties as are hereinbefore, in the case of other municipalities, imposed on the county treasurer and warden respectively. R. S. O. 1877, c. 180, s. 185. See sec. 141.

205. The treasurer of every county, city and town shall keep a triplicate blank receipt book, and on receipt of any sum of money for taxes on land, shall deliver to the party making payment one of such receipts, and shall deliver to the county, city or town clerk the second of the set, with the corresponding number, retaining the third of the set in the book, the delivery of such receipts to be made to the clerk at least every three months; and the county, city or town clerk shall file such receipts, and, in a book to be kept for that purpose, shall enter the name of the party making payment; the lot on which payment is made; the amount paid; the date of payment, and the number of the receipt; and the auditors shall examine and audit such books and accounts at least once in every twelve months. R. S. O. 1877, c. 180, s. 186.

County treasurers, etc., to keep triplicate blank receipt books.

Audit of books, etc.

ARREARS OF TAXES IN NEW MUNICIPALITIES.

206. Upon the incorporation of any new town, in any county, the county treasurer shall make out a list of all arrears of taxes then due and unpaid in his books upon lands situate in the newly incorporated town, and transmit the same to the treasurer of the town, who, after receipt of the said list, shall have, with the mayor, all the powers possessed by the county treasurer and warden for the collection of such taxes and for enforcement of the same by sale; but in such list the county treasurer shall not include any lot then advertised for sale for taxes. 44 V. c. 25, s. 11.

On incorporation of a town, county treasurer to transmit list of arrears to town treasurer.

207. In cases where a new local municipality is formed partly from two or more municipalities situate in different counties, the collection of arrears of taxes due at the time of formation shall be made by the treasurer of the county in which the new municipality is situate, if the new municipality is a township or village, or if the new municipality is a town, by the treasurer of such town; and for the purpose of enabling him to make the collection, the treasurer or the treasurers of the other county or counties from which any portion of the new municipality is detached, shall immediately upon the formation thereof, make out lists of the arrears of taxes then due in their respective portions, and transmit the same to the treasurer of the county in which the new municipality is situate, or of the town (as the case may be); and where a new municipality is formed from two or more municipalities situate in any one county, the treasurer shall keep a separate account for such new municipality. 44 V. c. 25, s. 7.

Arrears of taxes, how collected where new municipality formed.

208. The treasurer and warden of the county in which the new municipality, if it be a township or village, is situate, and the treasurer and mayor of the new municipality, if it be a town, shall have power, respectively, to take for the collection of such arrears of taxes all the proceedings which treasurers and wardens, or treasurers and mayors can take for the sale

Who may take proceedings to enforce collection.

and conveyance of land in arrear for taxes, and in case the lands in the new municipality have been advertised by the treasurer or treasurers of the county or counties of which the new municipality formed part before its formation, the sale of such lands shall be completed in the same manner as if such new municipality had not been formed. 44 V. c. 25, s. 8.

Proceedings where return made to treasurer before separation.

209. Where a municipality or part of a municipality has been or may be hereafter separated from one county and included in another after a return has been made to the treasurer of the county to which it formerly belonged, of lands in arrear for taxes, but the lands have not been advertised for sale by the treasurer of the former county, such treasurer shall return to the treasurer of the county to which such territory belongs a list of all the lands within such territory returned as in arrear for taxes and not advertised; and the treasurer and warden of the county to which the territory belongs shall have power respectively to take all the proceedings which treasurers and wardens under this Act can take for the sale and conveyance of lands in arrear for taxes; but in case the lands in such territory have been advertised before the separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place, and conveyance of lands previously sold shall be made in like manner. 44 V. c. 25, s. 9.

NON-RESIDENT LAND FUND.

The Non-resident Land Fund.

210.—(1) The council may, by by-law, direct that all the moneys received by the county treasurer, on account of taxes on non-resident lands, shall be paid at stated periods to the several local municipalities to which such taxes were due, or that they shall constitute a distinct and separate fund to be called the “Non-Resident Land Fund” of the county.

If no such Fund.

(2) In the absence of such by-law, the county treasurer shall pay over to the local treasurer all such moneys when so collected. R. S. O. 1877, c. 180, s. 170.

Treasurer to open an account therefor.

211. The treasurer shall, when such fund has been created, open an account for each local municipality with the said fund. R. S. O. 1877, c. 180, s. 171.

When any union about to be dissolved.

212. If a union of counties is about to be dissolved, all the taxes on non-residents' land imposed by by-laws of the provisional council of the junior county, shall be returned to and collected by the treasurer of the united counties, and not by the provisional treasurer; and the treasurer of the united counties shall open an account forthwith for the junior county with the non-resident land fund. R. S. O. 1877, c. 180, s. 172, *part*.

Collection of taxes in new municipalities.

213. In cases where a new county has been or shall be formed in whole or in part from two or more municipalities

situate in different counties the collection of non-resident taxes due at the time of formation in respect of lands situate in the new county which have not been advertised for sale shall be made by the treasurer of the new county; and for the purpose of enabling him to make such collection, the treasurers of the other counties formerly having jurisdiction over the respective portions of territory included in the new county shall make out lists of the non-resident taxes then due in their respective portions, and transmit the same to the treasurer of the new county. 44 V. c. 25, s. 10.

214. All sums which may at any time be paid to a municipality out of the non-resident land fund of the county, shall form part of the general funds of such municipality. R. S. O. 1877, c. 180, s. 176.

Money from Non-resident Land Fund, how appropriated.

215. The council of the county may, from time to time, by by-law, authorize the warden to issue, under the corporate seal, upon the credit of the non-resident land fund, debentures payable not later than eight years after the date thereof and for sums not less than \$100 each, so that the whole of the debentures at any time issued and unpaid do not exceed two-thirds of all arrears then due and accruing upon the lands in the county, together with such other sums as may be in the treasurer's hands, or otherwise invested to the credit of the said fund; and all debentures issued by the county shall be in the exclusive custody of the treasurer, who shall be responsible for their safety until their proceeds are deposited with him. R. S. O. 1877, c. 180, s. 177.

Debentures may be issued on the credit of Non-resident Land Fund.

Who to have charge of them.

216. Such debentures shall be negotiated by the warden and treasurer of the county, and the proceeds shall be paid into the said fund, and the interest on the said debentures, and the principal when due, shall be payable out of such fund: but the purchaser of any such debentures shall not be bound to see to the application of the purchase money, or be held responsible for the non-application thereof. R. S. O. 1877, c. 180, s. 178.

By whom to be negotiated.

Proviso.

217. If at any time there is not in the non-resident land fund, where such fund has been created, money sufficient to pay the interest upon a debenture or to redeem the same when due, such interest or debenture shall be payable out of the general county funds, and the payment thereof may be enforced in the same manner as is by law provided in the case of other county debentures. R. S. O. 1877, c. 180, s. 179.

Provision for payment of such debentures.

218. The council of the county may from time to time pass by-laws apportioning the surplus moneys in the non-resident land fund amongst the municipalities ratably, according to the moneys received and arrears due on account of the non-resident lands in each municipality; but such apportionment

Surplus of the Non-resident Land Fund to be divided among municipalities.

shall always be so limited that the debentures unpaid shall never exceed two-thirds of the whole amount to the credit of the fund. R. S. O. 1877, c. 180, s. 180.

Treasurer's
percentage
salary, how
paid.

219. The treasurer shall not be entitled to receive from the person paying taxes any percentage thereon, but may receive from the fund such percentage upon all moneys in his hands, or such fixed salary in lieu thereof as the county council by by-law may direct. R. S. O. 1877, c. 180, s. 181.

Annual state-
ments of fund
to be submit-
ted to councils.

220. The county treasurer shall prepare and submit to the county council, at its first session in January in each year, a report, certified by the auditors, of the state of the non-resident land fund. R. S. O. 1877, c. 180, s. 182.

What it shall
show.

221.—(1) The report shall contain an account of all the moneys received and expended during the year ending on the 31st day of December next preceding, distinguishing the sums received on account of, and paid to, the several municipalities, and received and paid on account of interest or debentures negotiated or redeemed, and the sums invested and the balance in hand; a list of all debentures then unpaid, with the dates at which they will become due; and a statement of all the arrears then due, distinguishing those due in every municipality; and the amount due on lands then advertised for sale, or which by law may be advertised, during the ensuing year. R. S. O. 1877, c. 180, s. 183.

Copy to be
transmitted
to Provincial
Secretary.

(2) The warden shall cause a copy of the report to be transmitted to the Provincial Secretary for the information of the Lieutenant-Governor. R. S. O. 1877, c. 180, s. 184.

ALL ARREARS TO FORM ONE CHARGE ON THE LAND.

All arrears to
form one
charge upon
lands subject
to them, etc.

222. The treasurer of the county shall not be required to keep a separate account of the several distinct rates which may be charged on lands, but all arrears, from whatever rates arising, shall be taken together and form one charge on the land. R. S. O. 1877, c. 180, s. 174.

RESPONSIBILITY OF OFFICERS.

Security by
treasurers and
collectors.

223. Every treasurer and collector, before entering on the duties of his office, shall enter into a bond to the corporation of the municipality for the faithful performance of his duties. R. S. O. 1877, c. 180, s. 187.

Bond with
sureties.

224. Such bond shall be given by the officer and two or more sufficient sureties, in such sum and in such manner as the council of the municipality by any by-law in that behalf requires and shall conform to all the provisions of such by-law. R. S. O. 1877, c. 180, s. 188.

225. If any treasurer, assessor, clerk or other officer refuses or neglects to perform any duty required of him by this Act, he shall, upon conviction thereof before any Court of competent jurisdiction in the county in which he is treasurer, assessor, clerk or other officer, forfeit to Her Majesty such sum as the Court may order and adjudge, not exceeding \$100. Penalty on assessors or clerks failing to perform their duty, and how enforced.
R. S. O. 1877, c. 180, s. 189.

226. If an assessor neglects or omits to perform his duties, the other assessor, or other assessors (if there be more than one for the same locality), or one of such assessors, shall, until a new appointment, perform the duties, and shall certify upon his or their assessment roll the name of the delinquent assessor, and also, if he or they know it, the cause of the delinquency; and any council may, after an assessor neglects or omits to perform his duties, appoint some other person to discharge such duties; and the assessor so appointed shall have all the powers and be entitled to all the emoluments which appertain to the office. Other assessors may act for those in default.
R. S. O. 1877, c. 180, s. 190.

227. If any clerk, treasurer, assessor or collector, acting under this Act, makes an unjust or fraudulent assessment or collection, or copy of any assessor's or collector's roll, or wilfully and fraudulently inserts therein the name of any person who should not be entered, or fraudulently omits the name of any person who should be entered, or wilfully omits any duty required of him by this Act, he shall, upon conviction thereof before a Court of competent jurisdiction, be liable to a fine not exceeding \$200, and to imprisonment until the fine is paid, in the common gaol of the county or city for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the Court. Punishment of Clerks, Assessors, etc., making fraudulent assessments, etc.
R. S. O. 1877, c. 180, s. 191.

228. Proof, to the satisfaction of the jury, that any real property was assessed by the assessor at an actual value greater or less than its true actual value by thirty per centum thereof, shall be *prima facie* evidence that the assessment was unjust or fraudulent. What shall be evidence of fraudulent assessments.
R. S. O. 1877, c. 180, s. 192.

229. An assessor convicted of having made any unjust or fraudulent assessment, shall be sentenced to the greatest punishment, both by fine and imprisonment, allowed by this Act. Punishment of culpable assessors.
R. S. O. 1877, c. 180, s. 193.

230. With reference to *The Jurors' Act*, if any assessor of any township, village or ward, except in the cases provided for by sections 52 and 54 of this Act, neglects or omits to make out and complete his assessment roll for the township, village or ward, and to return the same to the clerk of such township or village, or of the city or town in which such ward is situated, or to the proper officer or place of deposit of such roll, on or before the 1st day of September of Penalty for not making and completing assessment rolls by the proper time.
Rev. Stat. c. 52.

Not to impair
any other
liability.

the year for which he is assessor, every such assessor so offending shall forfeit for every such offence the sum of \$200, one moiety thereof to the use of the municipality and the other moiety, with costs, to such person as may sue for the same in any Court of competent jurisdiction; but nothing herein contained shall be construed to relieve any assessor from the obligation of returning his assessment roll, at the period required elsewhere by this Act, and from the penalties incurred by him by not returning the same accordingly. R. S. O. 1877, c. 180, s. 194. *See also* Cap. 52, s. 171 (3).

Proceedings
for compelling
collectors to
pay over
moneys col-
lected to the
proper
treasurer.

231. If a collector refuses or neglects to pay to the proper treasurer, or other person legally authorized to receive the same, the sums contained in his roll, or duly to account for the same as uncollected, the treasurer shall, within twenty days after the time when the payment ought to have been made, issue a warrant, under his hand and seal, directed to the sheriff of the county or city (as the case may be), commanding him to levy of the goods, chattels, lands and tenements of the collector and his sureties, such sum as remains unpaid and unaccounted for, with costs, and to pay to the treasurer the sum so unaccounted for, and to return the warrant within forty days after the date thereof. R. S. O. 1877, c. 180, s. 195.

Warrant to
be delivered to
Sheriff, etc.

232. The treasurer shall immediately deliver the warrant to the sheriff of the county, as the case may require. R. S. O. 1877, c. 180, s. 196.

Sheriff, etc.,
to execute it,
and pay money
levied.

233. The sheriff to whom the warrant is directed shall within forty days, cause the same to be executed and make return thereof to the treasurer, and shall pay to him the money levied by virtue thereof, deducting for his fees the same compensation as upon writs of execution issued out of Courts of Record. R. S. O. 1877, c. 180, s. 197.

Mode of com-
pelling Sheriff,
etc., to pay
over.

234. If a sheriff refuses or neglects to levy any money when so commanded, or to pay over the same, or makes a false return to the warrant, or neglects or refuses to make any return, or makes an insufficient return, the treasurer may, upon affidavit of the facts, apply in a summary manner to the High Court, or to a Judge thereof, for an order nisi or summons calling on the sheriff to answer the matter of the affidavit. R. S. O. 1877, c. 180, s. 198.

When return-
able.

235. The order nisi or summons shall be returnable at such time as the Court or Judge directs. R. S. O. 1877, c. 180, s. 199.

Hearing on
return.

236. Upon the return of the order nisi or summons, the Court or a Judge may proceed in a summary manner upon affidavit, and without formal pleading, to hear and determine the matters of the application. R. S. O. 1877, c. 180, s. 200.

237. If the Court or Judge is of opinion that the sheriff has been guilty of the dereliction alleged against him, the Court or Judge shall order the proper officer of the Court to issue a writ of *fiere facias*, adapted to the case, directed to a coroner of the county in which the municipality is situate, or to a coroner of the city or town (as the case may be) for which the collector is in default. R. S. O. 1877, c. 180, s. 201.

238. The writ shall direct the coroner to levy of the goods and chattels of the sheriff, the sum which the sheriff was ordered to levy by the warrant of the treasurer, together with the costs of the application and of the writ and of its execution; and the writ shall bear date on the day of its issue, and shall be returnable forthwith on its being executed; and the coroner, upon executing the same, shall be entitled to the same fees as upon a writ grounded upon a judgment of the Court R. S. O. 1877, c. 180, s. 202.

239. If a sheriff wilfully omits to perform any duty required of him by this Act, and no other penalty is hereby imposed for the omission, he shall be liable to a penalty of \$200, to be recovered from him in any Court of competent jurisdiction at the suit of the treasurer of the county, city or town. R. S. O. 1877, c. 180, s. 203.

240. All money assessed, levied and collected for the purpose of being paid to the Treasurer of the Province, or to any other public officer, for the public uses of the Province, or for any special purpose or use mentioned in the Act under which the same is raised, shall be assessed, levied and collected by, and accounted for and paid over, to the same persons, in the same manner, and at the same time, as taxes imposed on the same property for county, city or town purposes, and shall be deemed and taken to be moneys collected for the county, city or town, so far as to charge every collector, or treasurer with the same, and to render him and his sureties responsible therefor, and for every default or neglect in regard to the same, in like manner as in the case of moneys assessed, levied and collected for the use of the county, city or town. R. S. O. 1877, c. 180, s. 204.

241. All moneys collected for county purposes, or for any of the purposes mentioned in the preceding section, shall be payable by the collector to the township, town or village treasurer, and by him to the county treasurer; and the corporation of the township, town or village shall be responsible therefor to the corporation of the county. R. S. O. 1877, c. 180, s. 205.

242. Any bond or security given by the collector or treasurer to the corporation of the township, town or village, that he will account for, and pay over all moneys collected or received by him, shall apply to all moneys collected or received for county purposes, or for any of the purposes mentioned in section 240. R. S. O. 1877, c. 180, s. 206.

Local treasurer to pay over county moneys to county treasurers.

243. The treasurer of every township, town or village shall, within fourteen days after the time appointed for the final settlement of the collector's rolls, pay over to the treasurer of the county all moneys which were assessed and by law required to be levied and collected in the municipality for county purposes, or for any of the purposes mentioned in section 240 of this Act. R. S. O. 1877, c. 180, s. 207.

Mode of enforcing such payment.

244. If default be made in such payment, the county treasurer may retain or stop a like amount out of any moneys which would otherwise be payable by him to the municipality, or may recover the same by an action against the municipality, or where the same has been in arrear for the space of three months, he may, by warrant under his hand and seal, reciting the facts, direct the sheriff of the county to levy and collect the amount so due with interest and costs from the municipality in default. R. S. O. 1877, c. 180, s. 208.

Warrant to sheriff.

How the sheriff to levy.
Rev. Stat. c. 184, ss. 428 & 429.

245. The sheriff, upon receipt of the warrant, shall levy and collect the amount, with his own fees and costs in the same manner as is provided by *The Municipal Act* in case of writs of execution. R. S. O. 1877, c. 180, s. 209.

Treasurer, etc., to account for and pay over Crown moneys.

246. The county, city or town treasurer shall be accountable and responsible to the Crown for all moneys collected for any of the purposes mentioned in section 240 of this Act, and shall pay over such moneys to the Treasurer of the Province. R. S. O. 1877, c. 180, s. 210.

Municipality responsible for such moneys.

247. Every county, city and town shall be responsible to Her Majesty, and to all other parties interested, that all moneys coming into the hands of the treasurer of the county, city or town, in virtue of his office, shall be by him duly paid over and accounted for according to law. R. S. O. 1877, c. 180, s. 211.

Treasurer, etc., responsible to County, etc.

248. The treasurer and his sureties, shall be responsible and accountable for such moneys in like manner to the county, city or town; and any bond or security given by them for the duly accounting for and paying over moneys coming into his hands belonging to the county, city or town, shall be taken to apply to all such moneys as are mentioned in section 240, and may be enforced against the treasurer or his sureties, in case of default on his part. R. S. O. 1877, c. 180, s. 212.

Bonds to apply.

Bonds to apply to school moneys, etc.

249. The bond of the treasurer and his sureties shall apply to school moneys, and all public moneys of the Province; and, in case of any default, Her Majesty may enforce the responsibility of the county, city or town, by stopping a like amount out of any public money which would otherwise be payable to the county, city or town or to the treasurer thereof, or by action against the corporation. R. S. O. 1877, c. 180, s. 213.

250. Any person aggrieved by the default of the treasurer, may recover from the corporation of the county, city or town, the amount due or payable to such person as money had and received to his use. R. S. O. 1877, c. 180, s. 214.

City, etc., responsible for default of Treasurer, etc.

MISCELLANEOUS.

251. If any person wilfully tears down, injures or defaces any advertisement, notice or other document, which is required by this Act to be posted up in a public place for the information of persons interested, he shall, on conviction thereof in a summary way before any Justice of the Peace having jurisdiction in the county, city or town, be liable to a fine of \$20, and, in default of payment, or for want of sufficient distress, to imprisonment not exceeding twenty days. R. S. O. 1877, c. 180, s. 215.

Penalty for tearing down notices, etc.

252. The fines and forfeitures authorized to be summarily imposed by this Act, shall, when not otherwise provided, be levied and collected by distress and sale of the offender's goods and chattels, under authority of a warrant of distress to be issued by a Justice of the Peace of the county, city or town; and, in default of sufficient distress, the offender shall be committed to the common gaol of the county, and be there kept at hard labour for a period not exceeding one month. R. S. O. 1877, c. 180, s. 216.

Recovery of fines and forfeitures here by imposed.

253. When not otherwise provided all penalties recovered under this Act shall be paid to the treasurer to the use of the municipality. R. S. O. 1877, c. 180, s. 217.

Application of penalties.

SCHEDULE A.

(Section 3.)

FORM OF NOTICE BY NON-RESIDENT OWNER OF LAND REQUIRING TO BE ASSESSED THEREFOR.

To the Clerk of the Municipality of _____.

Take notice, that I (or we) own the land hereunder mentioned, and require to be assessed, and have my name (or our names) entered on the Assessment Roll of the Municipality of _____ (or Ward of the Municipality of _____) therefor.

That my (or our) full name (or names), place of residence and Post Office address, are as follows :

A. B., of the Township of York, shoemaker, Weston Post Office (as the case may be). Description of land (here give such description as will readily lead to the identification of the land).

Dated the _____ day of _____, 18 ____.

C. D.

Witness, G. H.

R. S. O. 1877, c. 180, Sched. A.

SCHEDULE B.

(Section 47.)

of CITY, TOWN OR VILLAGE) OF

SIDE.

TOWNSHIP OF
STREET,

| NAMES AND DESCRIPTION OF PERSONS ASSESSED. | | | | | | DESCRIPTION AND VALUE OF REAL PROPERTY. | | | | | | PERSONAL PROPERTY AND TAXABLE IN- COME. | | | | AGGREGATE VALUE OF ALL PROPERTY. | | STATUTE DOGS LABOUR. | | STATISTICS. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|-------------|---|------------------------|---|--|--|----------------------------|-----------------------------|---|--|--|---|-----------------|--|---|--|------------------------------|-------|-------------|--|-----------|-------------------|------------------|-----------------|-------------------|---------|---------|--------------|---------------------|--------------------------------------|-----------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Number on roll. | Name and Post (Office address of taxable party. | Occupation. | Freeholder, householder, tenant, or farmer's son. | Age of assessed party. | Name and address of owner when person named in column two is not the owner. | Non-resident. | School section. P. (Public School); S. (Separate School); other designation. | Number of lot, house, etc. | Number of acres, feet, etc. | Number of acres cleared in townships. Vacant or built on, in cities towns and villages. | Value of each parcel of real property. | Total value of real property. | Value of personal property other than income. | Taxable income. | Total value of personal property and taxable income. | Total value of real and personal property and taxable income. | Number of persons from 21 to 60 years old. | Total number of days labour. | Dogs. | Bitches. | Number of persons in family of person rated as resident. | Religion. | Number of cattle. | Number of sheep. | Number of hogs. | Number of horses. | Birth.* | Death.* | Registered.* | Acres of wood land. | Acres of swamp, marsh or waste land. | Acres of orchard and garden | Number of acres under fall wheat. | Date of delivery of Notice under Section 47. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | *Column 26-28 apply to townships, towns and villages only. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

*Column 26-28 apply to townships, towns and villages only.

Take notice that you are assessed as above specified, for the year 18 . . . If you deem yourself overcharged, or otherwise improperly assessed, you or your agent may notify the Clerk of the Municipality (or Assessment Commissioner) in writing of such overcharge or improper assessment, within fourteen days after the day of . . . (insert date on which the Assessment Roll was returned), and your complaint shall be tried by the Court of Revision for the Municipality of . . .

(ENDORSED.)

Sir,—Take notice that I intend to appeal against this assessment, for the following reasons :

I am, Sir, your obedient servant,

A. B., Township Clerk
or Assessment Commissioner.

R. S. O. 1877, c. 180, Sched. B; 45 V. c. 32, s. 2; 50 V. c. 7, s. 20.

SCHEDULE C.

(Section 64, sub-section 14.)

FORM OF DECLARATION BY PARTY COMPLAINING IN PERSON OF OVERCHARGE ON PERSONAL PROPERTY :

I, *A. B.* (set out name in full, with place of residence, business, trade, profession, or calling), do solemnly declare that the true value of all the personal property assessable against me (or as the case may be), as trustee, guardian or executor, etc., without deducting any debts due by me in respect thereof, is [In case debts are owed in respect of such property; add that I am indebted on account of such personal property in the sum of] ; and that the true amount for which I am liable to be rated and assessed in respect of personal property, other than income, is

R. S. O. 1877, c. 180, *Sched. C.*

SCHEDULE D.

(Section 64, sub-section 14.)

FORM OF DECLARATION OF PARTY COMPLAINING IN PERSON OF OVERCHARGE ON ACCOUNT OF TAXABLE INCOME :

I, *A. B.* (set out name in full, with place of residence, business, trade, profession or calling), do solemnly declare that my gross income, derived from all sources not exempt by law from taxation, is

R. S. O. 1877, c. 180, *Sched. D.*

SCHEDULE E.

(Section 64, sub-section 14.)

FORM OF DECLARATION BY PARTY COMPLAINING OF OVERCHARGE IN RESPECT OF PERSONAL PROPERTY AND TAXABLE INCOME :

I, *A. B.* (set out name in full, with place of residence, business, trade, profession or calling), do solemnly declare that the true value of my personal property, other than income, is [if there are debts, add : that I am indebted on account of such personal property in the sum of] ; that my gross income derived from all sources, not exempt by law from taxation, is ; and that the full amount for which I am by law justly assessable, in respect to both personal property and income, is

R. S. O. 1877, c. 180, *Sched. E.*

SCHEDULE F.

(Section 64, sub-section 14.)

FORM OF DECLARATION BY AGENT OF A PARTY COMPLAINING OF OVER-CHARGE ON PERSONAL PROPERTY :

I, *A. B.* (set out name in full, with place of residence, business, trade, profession or calling) agent for *C. D.* (set out name in full with place of residence and calling of person assessed), do solemnly declare that the true value of all the personal property assessable against the said *C. D.* (or, as the case may be), as trustee, guardian, or executor, etc., is [In case there are debts in regard to the property, add: The said *C. D.* is indebted on account of such personal property in the sum of and that the true amount for which the said *C. D.* is liable to be rated and assessed in respect of personal property other than income is ; and that I have the means of knowing, and do know, the extent and value of the said , personal *C. D.*'s property and debts in respect thereof.

*A. B.*R. S. O. 1877, c. 180, *Sched. F.*

SCHEDULE G.

(Section 64, sub-section 14.)

FORM OF DECLARATION BY AGENT OF PARTY COMPLAINING OF OVER-CHARGE ON TAXABLE INCOME :

I, *A. B.* (set out name in full, and place of residence, business, trade, profession or calling), agent for *C. D.* (set out name in full, with place of residence, and calling of person assessed), do solemnly declare that the gross income of the said *C. D.*, derived from all sources not exempt from taxation by law, is ; and that I have the means of knowing, and do know, the income of the said *C. D.*

R. S. O. 1877, c. 180, *Sched. G.*

SCHEDULE H.

(Section 64, sub-section 14.)

FORM OF DECLARATION BY AGENT OF PARTY COMPLAINING OF AN OVER-CHARGE IN RESPECT OF PERSONAL PROPERTY AND TAXABLE INCOME :

I, *A. B.* (set out name in full, with place of residence, business, trade, profession or calling), agent for *C. D.* (set out name in full, with place of residence, and calling of person assessed), do solemnly declare that the true value of the personal property of the said *C. D.*, other than income, is ; that the gross income of the said *C. D.*, derived from all sources not exempt by law from taxation, is and that the full amount for which the said *C. D.* is justly assessable, in respect of both personal property and income is

[If there are debts on account of the property, add: That the said C. D. is indebted on account of such personal property in the sum of _____; and that I have the means of knowing, and do know, the truth of the matters hereinbefore declared.]

R. S. O. 1877, c. 180, *Sched. H.*

SCHEDULE K.

(Section 183.)

FORM OF TAX DEED.

To all to whom these Presents shall come :

We, _____, of the _____ of _____, Esquire, Warden
(or, Mayor), and _____ of the _____ of _____, Esquire,
Treasurer of the County (or City or Town) of _____, Send
Greeting :

WHEREAS by virtue of a warrant under the hand of the Warden (or Mayor) and seal of the said County (or City or Town) bearing date the _____ day of _____, in the year of our Lord one thousand eight hundred and _____, commanding the Treasurer of the said County (or City or Town) to levy upon the land hereinafter mentioned, for the arrears of taxes due thereon, with his costs, the Treasurer of the said County (or City or Town) did, on the _____ day of 18____, sell by public auction to _____, of the _____ of _____, in the County of _____, that certain parcel or tract of land and premises hereinafter mentioned, at and for the price or sum of _____ of lawful money of Canada, on account of the arrears of taxes alleged to be due thereon up to the _____ day of _____, in the year of our Lord one thousand eight hundred and _____, together with costs :

Now know ye, that we, the said _____ and _____, as Warden (or Mayor) and Treasurer of the said County (or City or Town), in pursuance of such sale, and of *The Assessment Act*, and for the consideration aforesaid, do hereby grant, bargain and sell unto the said _____, his heirs and assigns, all that certain parcel or tract of land and premises containing _____, being composed of (*describe the land so that the same may be readily identified.*)

In witness whereof, we, the said Warden (or Mayor) and Treasurer of the said County (or City or Town), have hereunto set our hands and affixed the seal of the said County (or City or Town), this _____ day of _____, in the year of our Lord one thousand eight hundred and _____; and the Clerk of the County (or City or Town) Council has countersigned.

A. B., Warden (or Mayor). [Corporate Seal.]
C. D., Treasurer.

Countersigned,
E. F., Clerk.

R. S. O. 1877, c. 180, *Sched. K.*

4. SALE OF INTOXICATING LIQUORS.

CHAP. 194.—SALE OF FERMENTED OR SPIRITUOUS LIQUORS, p. 2160.

CHAPTER 194.

An Act respecting the Sale of Fermented or Spirituous Liquors.

SHORT TITLE, s. 1.

INTERPRETATION, s. 2.

LICENSE COMMISSIONERS, s. 3.

Powers, ss. 4, 5.

INSPECTORS, ss. 6, 7.

ISSUE OF LICENSES, ss. 8-17.

TAVERN LICENSES, ss. 18-30.

Number, ss. 18-26.

Accommodation required, ss. 27-29.

Security, s. 30.

SHOP LICENSES, ss. 31-33.

LICENSES BY WHOLESALE, ss. 34-36.

TRANSFER OF LICENSES, s. 37.

REMOVAL OF LICENSES, ss. 38, 39.

RE-ISSUE OF LAPSED LICENSE, s. 40.

DUTIES PAYABLE, ss. 41-44.

LICENSE FUND, ss. 45, 46.

REGULATIONS AND PROHIBITIONS :

License to be kept exposed, s. 47.

Notice of being licensed, s. 48.

Liquors not to be sold or kept for

sale without license, ss. 49, 50.

Sale by brewers and chemists, ss. 51, 52.

Sale by clubs, s. 53.

Sale on Saturday night and on Sunday, ss. 54-56.

Sales on polling days, s. 57.

Obtaining liquor at prohibited times an offence, s. 58.

Sale from ships in port, s. 59.

Liquor sold under shop or wholesale license not to be drunk on premises, ss. 60, 61.

Sale to unlicensed persons, s. 62.

One bar only, s. 63.

Separate entrance to bar, s. 64.

Licensee not to purchase or receive in pledge wearing apparel, etc., s. 65.

PENALTIES :

Taking money for license certificate, report, etc., s. 66.

Issuing license contrary to Act, s. 67.

Municipal officers and members of councils, ss. 68, 69.

Selling without license, s. 70.

Selling on Saturday night or on Sunday, s. 71.

Refusing lodging, s. 72.

Permitting drunkenness, s. 73.

Using internal communications with other premises, ss. 74, 75.

Supplying liquor to persons apparently under age of 16, s. 76.

Allowing liquor to be unlawfully consumed on premises, s. 77.

Drinking liquor on premises where bought, s. 78.

Keeping disorderly house, s. 79.

Harbouring constables on duty, s. 80.

Compromising prosecutions, ss. 81, 82.

Disqualification of licensee, s. 83.

Tampering with witness, s. 84.

Penalty for violations of law not specially provided for, s. 85.

Terms of imprisonment consecutive, s. 86.

Penalties not to be remitted, s. 87.

Recovery of penalties, s. 88.

Application of penalties, ss. 89, 90.

REVOCATION OF LICENSE BY COUNTY JUDGE, ss. 91, 92.

PROSECUTIONS, ss. 93-100.

PROCEDURE WHERE PREVIOUS CONVICTION CHARGED, s. 101.

FORM OF INFORMATIONS AND OTHER PROCEEDINGS, ss. 102, 103.

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EVIDENCE :

- License, how proved, s. 106.
- Regulations of commissioners, how authenticated, s. 107.
- Presumption as to sale, s. 108.
- Proof of sale, s. 109.
- Light in bar evidence of sale, s. 110.
- Evidence of sale by unlicensed person, s. 111.
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- Presumptions conclusive unless rebutted, s. 113.
- Proof of license to rest on defendant, s. 114.
- Compelling attendance of witnesses and production of documents, ss. 115, 116.
- Expenses of inspector, s. 117.

APPEALS, ss. 118-121.

CIVIL REMEDIES AGAINST TAVERN KEEPERS, s. 122.

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MUNICIPALITIES UNDER THE TEMPERANCE ACTS :

- Act not to apply, s. 141.
- Commissioners' and inspectors' appointments and duties, ss. 142, 143.
- Wholesale licenses necessary, s. 144.
- Enforcing Acts, ss. 145-148.
- Provision when law in force in a county, including a city or town in which law is not in force, s. 149.

Duties payable under C. T. Act, s. 150.

Application of license fund, s. 151.

Expenses of districts in which C. T. Act is in force, s. 152.

License districts may be formed where C. T. Act is in force, s. 153.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "*The Liquor License Act*." Short title. R. S. O. 1877, c. 181, s. 1.

INTERPRETATION.

2. Where the following words occur in this Act, or in the Interpretation schedules thereto, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears :

1. "Liquors" or "Liquor" shall include all spirituous and malt liquors, and all combinations of liquors and drinks and drinkable liquids which are intoxicating.

2. "Tavern license" shall mean a license for selling, bartering or trafficking by retail in fermented, spirituous or other liquors, in quantities of less than one quart, which may be drunk in the inn, ale or beer-house, or other house of public entertainment in which the same liquor is sold.

3. "Shop license" shall mean a license for selling, bartering or trafficking by retail in such liquors in shops, stores or places other than inns, ale or beer-houses, or other houses of public entertainment, in quantities not less than three

half-pints at any one time, to any one person, and at the time of sale to be wholly removed and taken away, in quantities not less than three half-pints at a time.

"License by
wholesale."

4. "License by wholesale" or "Wholesale license" shall mean a license for selling, bartering or trafficking, by wholesale only, in such liquors in warehouses, stores, shops, or places other than inns, ale or beer-houses, or other houses of public entertainment, in quantities not less than five gallons in each cask or vessel at any one time; and in any case where such selling by wholesale is in respect of bottled ale, porter, beer, wine or other fermented or spirituous liquor, each such sale shall be in quantities not less than one dozen bottles of at least three half-pints each, or two dozen bottles of at least three-fourths of one pint each, at any one time. R. S. O. 1877, c. 181, s. 2.

"Three half
pints."

5. "Three half-pints" shall, where bottled liquor is sold, be held to be equivalent to five quarter pints Imperial measure. 44 V. c. 27, s. 23.

"License
District."

6. "License District" shall mean the City, County, Union of Counties, or Electoral District or Districts, or any part of an Electoral District, or a union of parts of two or more Electoral Districts, as the Lieutenant-Governor in Council may by order direct.

"Polling
sub-division."

7. "Polling subdivision" shall mean the polling subdivision for the last general election for the District for the Legislative Assembly in which the licensed premises or the premises for which a license is sought are situated.

"License
Inspector."

8. "Inspector" shall mean an Inspector of Licenses appointed for a license district under this Act. 47 V. c. 34, s. 1, *part*.

"Canada
Temperance
Act, 1878,"
meaning of.

9. "*The Canada Temperance Act*" shall extend to and include *The Canada Temperance Act, 1878*. 50 V. c. 33, s. 9.

Board of
License Com-
missioners.

3. There shall be a board of license commissioners to be composed of three persons, to be appointed by the Lieutenant-Governor, for each city, county, union of counties, electoral district, or license district, as the Lieutenant-Governor may think fit; and any two of the said commissioners shall be a quorum, and each of them shall cease to hold office on the 31st day of December in each year, but he may be re-appointed; and the said office shall be honorary and without any remuneration. R. S. O. 1877, c. 181, s. 3; 48 V. c. 43, s. 8, *part*.

Powers of the
commission-
ers.

4. The board of license commissioners may at any time before the 1st day of May in each year, pass resolutions for regulating and determining the matters following, that is to say:

1. For defining the conditions and qualifications requisite to obtain tavern licenses for the retail within the municipality, of spirituous, fermented or other manufactured liquors, and also shop licenses for the sale by retail within the municipality, of such liquors in shops or places other than taverns, inns, ale-houses, beer-houses or places of public entertainment ;

Defining
requisites for
granting
tavern and
shop licenses

2. For limiting the number of tavern and shop licenses respectively, and for defining the respective times and localities within which and the persons to whom such limited number may be issued within the year, from the 1st day of May of one year till the 30th day of April inclusive of the next year. R. S. O. 1877, c. 181, s. 4 (1, 2).

Limiting num-
ber of
licenses, etc.

3. For declaring that in cities having a population according to the then last Dominion census of less than fifteen thousand, a number not exceeding three persons ; a population of between fifteen thousand and thirty thousand, a number not exceeding five persons : a population of over thirty thousand, a number not exceeding ten persons ; and in towns having a population of over six thousand, a number not exceeding two persons qualified to have a tavern license, may be exempted from the necessity of having all the tavern accommodation required by law. 47 V. c. 34, s. 2.

Exemption
from having
accommoda-
tion.

4. For regulating the taverns and shops to be licensed ;

Regulating
taverns.

5. For fixing and defining the duties, powers and privileges of the inspector of their district. R. S. O. 1877, c. 181, s. 4(4, 5).

Defining
duties of
inspectors.

5. In and by any such resolution of a board of license commissioners the said board may impose penalties for the infraction thereof. R. S. O. 1877, c. 181, s. 5.

Penalties may
be imposed by
regulations.

INSPECTORS OF LICENSES

6. An inspector shall be appointed by the Lieutenant-Governor from time to time for each city, county, union of counties, electoral district, or license district, as the Lieutenant-Governor may think fit ; and each inspector shall, before entering upon his duties, give such security as the Provincial Secretary may require for the due performance of his said duties, and for the payment over of all sums of money received by him according to the provisions of this Act ; and the salary of every inspector shall be fixed by the Lieutenant-Governor in Council. R. S. O. 1877, c. 181, s. 6 ; 48 V. c. 43, s. 8, *part*.

Inspectors of
Licenses,
appointment,
powers and
duty and se-
curity.

7. A chief inspector may be appointed for the city of Toronto, and he shall have jurisdiction throughout the said city. He shall perform all the duties of an inspector and shall have all the rights, powers and authority thereof, and shall be charged with the duty of seeing that this Act is enforced in the districts into which the said city is divided. He shall

Chief inspec-
tor may be
appointed in
Toronto.

unless the Lieutenant-Governor otherwise directs, act as the secretary of the board of license commissioners, and shall, in company with the inspector, visit and inspect all premises for which a license is sought, and shall perform such other duties as may be assigned to him by the board or by the Lieutenant-Governor in Council. 49 V. c. 39, s. 19.

ISSUE OF LICENSES.

Issue of
licenses.

8.—(1) The Lieutenant-Governor in Council may direct the issue of licenses on stamped paper, written or printed, or partly written and partly printed, of the several kinds hereinbefore mentioned; and the licenses shall be signed by the Provincial Secretary and dated as of the 1st day of May in each year, and shall thence continue in force for one year, and shall expire on the 30th day of April in the next ensuing year.

After the 1st
of May.

(2) After the 1st of May tavern and shop licenses may be issued between the 1st and 15th days of May in each year; and licenses by wholesale may be issued between the first and last days of May in each year; and all such licenses shall be deemed to have been issued on the said 1st day of May.

In special
cases.

(3) Where special grounds are shewn, the license commissioners may direct one or more licenses to issue at any time after the said 1st day of May, if within the limit authorized by this Act; provided always that the petition or application therefor shall have been filed with the inspector on or before the 1st day of April next preceding. R. S. O. 1877, c. 181, s. 7; 47 V. c. 34, s. 3.

Licenses, how
issued.

9. Every license shall be issued, under the direction of the respective boards of license commissioners, by the inspector for the license district in which the tavern, shop, warehouse or other place to which the license is to apply is situate, except in the case of licenses for vessels, which may be issued under the direction of the license commissioners by the inspector for any license district to or from any port in which the vessel sails, or at any port in which she calls. R. S. O. 1877, c. 181, s. 8.

Vessel
Licenses.

Regulation of
sale of liquor
on vessels.

10. The license commissioners may pass resolutions regulating the sale of liquor on vessels to which licenses may be issued under their authority during excursions and at other times; such resolutions shall in order to their validity be sanctioned by the Lieutenant-Governor in Council. 47 V. c. 34, s. 24, *part.*

No tavern or
shop license
to be granted
except upon
petition and
report thereon.

11.—(1) A license to sell spirituous, fermented or other manufactured liquors, by retail, in any tavern, alehouse, beer-house, place of public entertainment, or shop, shall not be granted except upon petition by the applicant to the license commissioners of the district in which the license is to have effect.

praying for the same; nor until the inspector, to be appointed as hereinbefore provided, has reported in writing to the license commissioners, that the applicant is a fit and proper person to have a license and (in the case of a tavern license) has all the accommodation required by law, and that the applicant is known to the inspector to be of good character and repute; and every such report shall be duly filed by the license commissioner and shall remain open to the inspection of any ratepayer of the municipality or any provincial officer.

Report to be filed.

(2) Every petition for a tavern license, which is to take effect on the 1st day of May in any year, shall be filed with the inspector for the license district wherein it is to have effect on or before the 1st day of April next preceding.

When petition for license to be presented.

(3) The inspector shall not report in favour of any applicant other than the true owner of the business of the tavern or shop proposed to be licensed, and his report shall be for the information of the license commissioners only, who shall nevertheless exercise their own discretion on each application.

Report not to be conclusive.

(4) Where the applicant for a tavern or shop license resides in a remote part of the license district, or where for any other reason the license commissioners see fit, they may dispense with the report of the inspector, and act upon such information as may satisfy them in the premises. R. S. O. 1877, c. 181, s. 9 (1-4).

Report may be dispensed with.

(5) The board of license commissioners shall, on or before the 1st day of April, fix a day for considering applications for licenses, being not less than one week prior to the 1st day of May in each year, and the inspector shall publish, in at least two issues of a newspaper published in the district, if there be one published therein, the date and place of such meeting at least fourteen days before the day of such meeting. The inspector shall cause a notice containing similar information to be fixed to or near the outer door of the building in which his office is situated.

Board to fix a day for considering applications.

(6) The inspector shall, at least fourteen days before the first meeting of the board to consider applications, cause to be published in at least two issues of some newspaper published in the district, if there be one published therein, the name of each applicant for a license, who is not at the time of the making of such application a licensee under this Act, or who applies for the licensing of premises not then under license, the description of license applied for, and the place (described with sufficient certainty) where such applicant proposes to sell, and also the total number of tavern and shop licenses issued during the current license year, and the total number of applications for the ensuing year. He shall also keep a list of all applications, to be entered in a book to be kept by him for the purpose, containing similar information, and the same shall be open to the public for inspection without charge.

Notice by Inspector as to applications.

Objections to applications.

(7) It shall be the right and privilege of any ten or more electors of any polling subdivision to object by petition, or in any similar manner, to the granting of any license within such subdivision.

(8) The objections which may be taken to the granting of a license may be one or more of the following: -

As to character of applicant.

(a) That the applicant is of bad fame and character, or of drunken habits, or has previously forfeited a license, or that the applicant has been convicted of selling liquor without a license within a period of one year; or that he has kept, within a period of two years, a place in which the illicit sale of liquors was frequent and notorious; or—

As to his premises.

(b) That the premises in question are out of repair, or have not the accommodation required by law, or reasonable accommodation if the premises be not subject to the said requirements; or

As to the neighbourhood.

(c) That the licensing thereof is not required in the neighbourhood, or that the premises are in the immediate vicinity of a place of public worship, hospital, or school, or that the quiet of the place in which such premises are situate will be disturbed if a license is granted.

Hearing objections.

(9) Any person who has signed a memorial against the granting of a license may be heard in opposition thereto by himself or his agent.

And those authorized by municipalities.

(10) The council of any city, town, incorporated village, or township, may authorize any person to appear in a similar manner on behalf of the ratepayers of such city, town, incorporated village, or township, as to the granting of a license, and the person so authorized shall have a right to be heard before the board against the granting of such license.

As to objections to character.

(11) Unless at the instance of the board, no objection in respect of the character of any applicant shall be entertained until three days' notice has been given to the applicant. The notice may be served personally or left at the usual place of residence or business of the applicant. The service may be proved orally or by affidavit sworn before a Justice of the Peace or a Commissioner for taking affidavits.

Board may notice matters not mentioned by objectors.

(12) Notwithstanding anything in this Act contained, the board may, of their own motion, take notice of any matter or thing which in their opinion would be an objection to the granting of a license, although no notice or objection has been given or made as by this Act provided: in any such case the board shall notify the applicant and shall adjourn their hearing of the application, if requested by him, for any period not exceeding fourteen days in order that any person affected by the objection may have an opportunity of answering the same.

Notice to applicant in such cases.

(13) The decision of the board, when once announced by the chairman, shall not be questioned or reconsidered; provided, nevertheless, that in cases in which the decision of the board has not been unanimous, or in cases in which the person or persons affected by such decision, petition the board and allege facts or grounds for their consideration not formerly before them, the board may by resolution, in which all of the commissioners concur, decide to rehear the case. Where a rehearing is allowed, notice thereof shall be given by the Inspector to at least one of the petitioners or his agent.

Decision of
Board final.

(14) No license shall be granted to any applicant for premises not then under license or shall be transferred to such premises if a majority of the persons duly qualified to vote as electors in the subdivision at an election for a member of the Legislative Assembly, petition against it, on the grounds hereinbefore set forth, or any of such grounds. In case of any dispute as to whether the number of electors who have signed such petition compose a majority of the said duly qualified electors of the subdivision, or, in case of a dispute as to whether any one or more persons who have signed the petition are duly qualified voters, the clerk of the municipality in which the subdivision is situate, shall take evidence upon oath, or otherwise, and determine the question in dispute, and he shall in such case certify to the board the number of duly qualified electors aforesaid for the subdivision and the number of such electors who have signed the petition, and his certificate shall be final and conclusive.

Majority of
electors may
prevent
license.

(15) Any petition against the granting of a license shall be lodged with the inspector at least four days before the said first meeting of the board to consider the application; and the inspector shall present the same to the board at the first meeting thereof.

Time for
filing.

(16) The inspector shall keep a list posted in his office for three days previous to the meeting of the board, of all certificates and petitions lodged with him as aforesaid, and every such petition or certificate shall be open for public inspection without fee.

Posting list of
petitions, etc.

(17) Every application for a license, and all objections to every such application, shall be heard and determined at a meeting of the board.

Hearing and
determining
objections.

(18) Every such hearing shall be open to the public, and the board may summon and examine on oath such witnesses as they may think necessary, and as nearly as may be in the manner directed by any Act now or hereafter to be in force relating to the duties of Justices in relation to summary convictions and orders; and any member of the board may administer the oath; but nevertheless nothing herein contained shall prevent the board from retiring or sitting with closed doors while considering or preparing their decision or judgment in respect of any application or applications.

Proceedings
at hearings.

Adjourning
meetings.

(19) Any meeting of the board for the consideration of applications may, at the discretion of the board, be adjourned from time to time to the same or any other place or building within the district.

Office of
inspector.

(20) Where the inspector has not taken or set apart premises especially for the purposes of an office, the room or rooms in which he usually conducts his official business, whether at his residence or place of business, shall be deemed to be his office for the purposes of this Act.

Foregoing
sub-sections
declaratory
only

(21) The foregoing sub-sections of this section are declared to be obligatory on the board and inspector, but non-compliance therewith shall not invalidate the action of the board or inspector. Nothing in this sub-section contained shall authorize the granting of a license contrary to the provisions of sub-section 14. 47 V. c. 34, s. 4.

Mode of pro-
cedure in ob-
taining tavern
or shop
licenses.

12.—(1) If upon application of any person requiring a tavern or shop license, it appears that such applicant is the true owner of the business of such tavern or shop, and has complied with the requirements of the law, and of any municipal by-laws in force in that behalf, and also with the regulations and requirements of the license commissioners, and is one of the persons designated or otherwise approved of by the license commissioners, the said license commissioners may grant such applicant a certificate under the hands of any two of them, stating that he is entitled to a license for a certain time, and for a certain tavern, inn, house or place of public entertainment or shop within the municipality, to be mentioned in such certificate.

(2) The license duty shall then be paid by the applicant into such bank as may be designated by the Provincial Secretary, to the credit of the "License Fund Account," for the license district; and upon production by the applicant to the inspector of the certificate of the license commissioners, together with a receipt shewing payment in full of the duty to the credit of the license fund account, the inspector may issue the license authorized by the license commissioners. R. S. O. 1877, c. 181, s. 10.

No license to
be granted for
certain times
and places.

13. The license commissioners shall not grant any certificate for a license, or any certificate whatsoever, whereby any person can obtain or procure any license for the sale of spirituous, fermented or intoxicating liquors, on the days of the Exhibition of the Agricultural Association of Ontario, the Industrial Exhibition of Toronto, or of any electoral district, or township, agricultural society exhibition, either on the grounds of such society, or within the distance of three hundred yards from such grounds. R. S. O. 1877, c. 181, s. 11: 47 V. c. 34, s. 14.

14. No license shall hereafter be granted to or for any ferry boat. 47 V. c. 34, s. 24, *part*. No license to be granted to ferry boat.

15. A tavern or shop license shall not be granted to or for the benefit of any person who is a license commissioner or inspector, and every license so issued shall be void. R. S. O. 1877, c. 181, s. 12. No license to be granted to Commissioner or Inspector.

16.—(1) A tavern or shop license shall not be issued for premises within any license district of which any of the license commissioners or of the inspectors for such district is the owner, and every license commissioner who knowingly grants a certificate for a license, and every inspector who knowingly issues a license for any such premises, contrary to the provisions of this section, shall incur a penalty of \$500. R. S. O. 1877, c. 181, s. 13. License not to be issued for any premises owned by such person in his district.

(2) The preceding sub-section shall not extend or apply to premises owned or occupied by a joint stock company in which a license commissioner is a shareholder, but in every such case, and in every case where a license commissioner is the mortgagee of any premises or agent for the collection of rents in respect of any such premises, such license commissioner shall not, under a penalty of \$500, vote upon any question affecting the granting of a license to the company or for premises owned or occupied by it, or for premises in respect of which he is such mortgagee or agent. 46 V. c. 25, s. 1. Last sub-section not to apply to companies in which commissioner, etc., is a shareholder.

17. Subject to the provisions of this Act as to removals and the transfer of licenses, every license for the sale of liquor shall be held to be a license only to the person therein named and for the premises therein described, and shall remain valid only so long as such person continues to be the occupant of the said premises and the true owner of the business there carried on. R. S. O. 1877, c. 181, s. 14. License limited to person and place for which it was granted, subject to ss. 37, 38.

TAVERN LICENSES.

Number.

18.—(1) The number of tavern licenses to be granted in the respective municipalities shall not in each year be in excess of the following limitations: in cities, towns and incorporated villages respectively, according to the following scale, that is to say, one for each full two hundred and fifty of the first one thousand of the population, and one for each full four hundred over one thousand of the population; but in no case shall this limit authorize any increase in any municipality in excess of the number of licenses therein issued for the year ending the 1st day of March, 1876, unless from the future increase of the population the license commissioners think a larger number has become necessary, but not in any case exceeding the limit imposed by this Act; Limitation of licenses. In cities, towns and villages.

Exceptions.

(2) In incorporated villages, being county towns, the limit may be five in number, and in the town of Niagara Falls three hotels, near the Falls of Niagara, and in the town of Port Arthur three hotels, which may be licensed, may be excluded from the number which would otherwise be the maximum limit under this Act. R. S. O. 1877, c. 181, s. 15 : 49 V. c. 39, s. 21.

Manner of determining the population with a view to the number of licenses.

19.—(1) The number of the population which is to determine the number of licenses at any time under this Act shall be according to the then last preceding census taken under the authority of the Dominion of Canada, except where the license commissioners are at any time of opinion that, owing to a large increase of population since such census, an increased number of licensed taverns is needed for the convenience and accommodation of travellers; and in that case, if the license commissioners so certify, and the council of the municipality memorialize the Lieutenant-Governor for an increase of the number of licensed taverns, the Lieutenant-Governor in Council may authorize a new census to be taken under the authority of a by-law of the municipality and at the expense of the municipality, and the limit for the number of licenses shall thereafter, upon each such new census, be one for each full two hundred and fifty of the population under one thousand, and one for each five hundred over one thousand of the population.

Case of alteration or formation of municipality,

(2) In case of the alteration or formation of any municipality subsequent to such census of the Dominion of Canada, the population of such municipality, for the purposes of this Act, may be ascertained by the said license commissioners by reference to the enumeration on which such census took place, or by a new census taken under the provisions of this section.

or municipal census.

(3) Where, since the said Dominion census, a census has been taken in any municipality under the authority of the council having jurisdiction, the limit may be the same as in the case of a census taken under this section for the purposes of this Act. R. S. O. 1877, c. 181, s. 16.

Council may limit number of licenses.

20.—(1) The council of every city, town, village or township may, by by-law to be passed before the 1st day of March in any year, limit the number of tavern licenses to be issued therein for the then ensuing license year, beginning on the 1st day of May, or for any future license year until such by-law is altered or repealed, provided such limit is within the limit imposed by this Act.

Copy of by-law limiting to be sent to Commissioners.

(2) The council shall cause a certified copy of such by-law to be sent immediately after the passing thereof to the license commissioners of the district in which the municipality is situate. R. S. O. 1877, c. 181, s. 17.

21. In any case where the license commissioners of any license district do not think fit, or are unable to grant a new license to any applicant who has been licensed during the preceding twelve months, or any part thereof, they may, nevertheless, by resolution, provide for extending the duration of the existing license for any specified period of the year, not exceeding three months at their discretion, upon payment by the applicant, of a sum not exceeding the proportionate part of the duty payable for such license for the then next ensuing license year; and such license, when a certificate of the extension aforesaid has been endorsed thereon, under the hand of the inspector for the license district, shall remain valid for the period specified in the resolution of the license commissioners, and no longer; but this provision shall not be construed to confer on the license commissioners any authority to exceed the limit prescribed by this Act, as to the number of tavern licenses to be granted in any year, except in cities, where the license commissioners may in their discretion, having regard to the particular circumstances of the city, and of each application, grant further tavern licenses, but within the number of such licenses granted for the year ending on the 30th day of April, 1877, and except in a locality largely resorted to in summer by visitors, where the license commissioners may, if they think fit, grant one additional tavern license, but not to extend beyond six months, commencing on the 1st day of May in each year. R. S. O. 1877, c. 181, s. 18.

Extended
licenses.

22. Upon application to any board of license commissioners, before the 1st day of May in any year, by any one or more persons within any municipality within the jurisdiction of such board for a beer and wine license, the board may by resolution declare that any one or more of the tavern licenses which may be lawfully issued, and which are to be issued for the license year beginning on the 1st day of May of such year, not exceeding the number so applied for, may be beer and wine licenses, and the board may thereafter cause beer and wine licenses to be issued in any such municipality, not exceeding the number mentioned in their aforesaid resolution: provided, nevertheless, that nothing in any such resolution contained, shall so limit the number of tavern or shop licenses, as to prohibit within any municipality the sale of spirituous liquors: and, provided, also, that nothing in such beer and wine license contained, or by reason of the granting thereof, shall authorize the holder thereof, his servants or agents, to sell, barter or otherwise dispose of any kind of intoxicating liquors other than those mentioned in the said beer and wine license. 44 V. c. 27, s. 19.

Beer and wine
licenses may
be issued.

Liquors not to
be sold by
holder of beer
and wine
license.

23. A beer and wine license shall be construed to mean a tavern license for selling, bartering or trafficking by retail, in lager beer, ale, beer and porter and also in native wines, manu-

Beer and wine
licenses.

factured in Ontario, containing not more than fifteen per cent. of alcohol, and in light foreign wines containing not more than fifteen per cent. of alcohol, but not including port, sherry or madeira wine, in quantities of less than one quart, which may be drunk in the inn, ale or beer-house, or other house of public entertainment in which the same is sold. 44 V. c. 27, s. 20; 49 V. c. 39, s. 14.

Holder of beer
and wine
license subject
to conditions
of tavern
license.

24. The holder of any such beer and wine license shall hold the same upon the terms and subject to all the conditions and penalties that apply to the holder of a tavern license; but, nevertheless, such holder of a beer and wine license shall not sell, barter or give, or keep in the house, or upon the premises for which such last mentioned license has been granted, any spirituous or intoxicating liquors for sale other than those thereby authorized; and as to such other liquors, the holder of such beer and wine license shall be deemed to be unlicensed, and section 132 of this Act shall apply. 44 V. c. 27, s. 21.

Holder of beer
and wine
license not to
sell or keep
spirits on
premises
licensed.

25.—(1) If any holder of a beer and wine license, his servants or agents, shall sell or barter, give or keep in the house, or upon the premises, for which a license has been granted, intoxicating liquors other than those mentioned in his license, for sale, or, shall knowingly sell, or barter, give or keep in the house, or upon the premises for which a beer and wine license has been granted, native wine containing a greater quantity of alcohol than fifteen per cent. thereof, or light foreign wines containing a greater quantity of alcohol than fifteen per cent. thereof, or port, sherry or madeira wine, he shall be subject to the penalties provided by section 70 of this Act, and in addition thereto, upon a conviction for a second offence the board of license commissioners may, by resolution, revoke and cancel his beer and wine license, and in the event of failure on their part so to do, application may be made by any resident of the municipality to the Judge of the County Court, in the manner prescribed in section 92 of this Act, which shall apply to such application for an order to revoke and cancel said license; and if it appears to such Judge that the holder of any such beer and wine license has been twice convicted of having sold or given intoxicating liquors other than those mentioned in the license, or of having kept the same upon or in the licensed premises, for sale, or of having knowingly sold or given native wine containing a greater percentage of alcohol than fifteen per cent. thereof, or light foreign wines containing a greater percentage than fifteen per cent. thereof, or port, sherry or madeira wine, as hereinbefore mentioned, or of having knowingly kept the same upon or in the licensed premises, then the said Judge shall make an order revoking and cancelling the said license, and it shall be revoked and cancelled from the date of such order, or from the passing of the aforesaid resolution by the commissioners. 44 V. c. 27, s. 22; 49 V. c. 39, s. 15.

(2) The percentage mentioned in the preceding sub-section, shall be determined by weight. 49 V. c. 39, s. 15.

26. The inspector may from time to time take from the liquors kept by a person holding a beer and wine license upon the premises sufficient thereof to determine whether they are of a different kind from those mentioned in the license, or contain more alcohol than is by law allowed. 44 V. c. 27, s. 24.

Inspector may test liquors kept by licensee.

Accommodation.

27. Every tavern or inn authorized to be licensed under the provisions of this Act shall contain, and during the continuance of the license shall continue to contain, in addition to what may be needed for the use of the family of the tavern or inn-keeper, not less than four bed-rooms, and in cities six bed-rooms, together with, in every case, a suitable complement of bedding and furniture, and (except in cities and incorporated towns) there shall also be attached to the said tavern or inn, proper stabling for at least six horses; but the foregoing requirements shall not apply to such taverns as come within sub-section 3 of section 4 of this Act. R. S. O. 1877, c. 181, s. 19 (1); 47 V. c. 34, s. 5.

Accommodation required.

(2) Such tavern or inn shall form no part of, and shall not communicate by any entrance with any shop or store wherein goods or merchandise known as groceries or provisions are kept for sale; but this sub-section shall not apply to taverns in townships, unless so provided by by-law of the township council. R. S. O. 1877, c. 181, s. 19 (2).

Not to communicate with grocery.

28. In addition to the accommodation required by the last preceding section, each tavern or house of entertainment shall be shewn, to the satisfaction of the license commissioners, to be a well-appointed and sufficient eating-house, with the appliances requisite for daily serving meals to travellers; and the requirements of this section shall apply to all taverns or houses of entertainment, without any exception whatever, and continuously for the whole period of the license. R. S. O. 1877, c. 181, s. 20.

Every tavern to be an eating house.

29. The council of any city or town may, by by-law to be passed before the 1st day of March in any year, prescribe for the then ensuing license year beginning on the 1st day of May, any requirements in addition to those in the last preceding two sections mentioned, as to accommodation to be possessed by taverns or houses of entertainment, as the council may see fit; and the license commissioners upon receiving a copy of such by-law shall be bound to observe the provisions thereof; and such by-law shall continue in full force for such year and any future year until repealed. R. S. O. 1877, c. 181, s. 21.

City or town council may prescribe further requirements as to tavern.

Security to be given.

Security to be
given by
tavern
licensee.

30. Before any tavern license is granted the person applying for the same shall enter into a bond to Her Majesty in the sum of \$200, with two good and sufficient sureties, (to be approved of by the inspector) in the sum of \$100 each, conditioned for the payment of all fines and penalties such person may be condemned to pay for any offence against any Act, by-law or provision in the nature of law, relative to taverns or houses of public entertainment then and thereafter to be in force, and to do, perform and observe all the requirements thereof, and to conform to all by-laws and regulations that may be established by competent authority in such behalf, and such bond shall be in the words or to the effect of Schedule A to this Act; and when executed shall be filed in the office of the inspector, to be by him transmitted to the office of the Provincial Secretary. R. S. O. 1877, c. 181, s. 22.

SHOP LICENSES.

Shop licenses,
to whom
given.

31. A shop license shall not be granted to any person unless he has filed his application with the inspector on or before the 1st day of April in that year, and unless the inspector has reported to the license commissioners that he is a person of good character, and that his shop and premises are suitable for carrying on a reputable business, and unless he executes with sureties a bond in the form expressed in Schedule B to this Act. R. S. O. 1877, c. 181, s. 23.

Security.

Number of
shop licenses
limited, and
licenses may
be subjected
to certain
restrictions.

32.—(1) The council of every city, town, village or township may, by by-law to be passed before the 1st day of April in any year, limit the number of shop licenses to be granted therein for the then ensuing license year, beginning on the 1st day of May, and by such by-law or any other by-law passed before the 1st day of April, may require the shopkeeper to confine the business of his shop solely and exclusively to the keeping and selling of liquor, or may impose any restrictions upon the mode of carrying on such traffic as the council may think fit; and such last-mentioned by-law may be made to come into force on the 1st day of May then next ensuing, or on the 1st day of May of the succeeding year, and any such by-law so passed shall not be repealed during the three years next after the year in which the same comes into force. R. S. O. 1877, c. 181, s. 24 (1); 47 V. c. 34, s. 6 (1).

Certified copy
to be sent to
License Com-
missioners.

(2) It shall be the duty of the clerk, immediately after the passing of such by-law, to send a certified copy thereof to the license commissioners within whose license district the municipality is situate, and such by-law shall be binding upon the license commissioners, and any shop license to be issued shall conform to the provisions thereof; and such by-law shall

remain in force for any future year until repealed, and any clerk who neglects, omits or refuses to send such certified copy shall incur a penalty of not less than \$40 nor more than \$100. R. S. O. 1877, c. 181, s. 24. (2)

33.—(1) No shop license to sell liquors in any store, shop, place or premises where groceries or other merchandise are sold, or exposed for sale, other than mineral or aerated waters (not containing spirits,) ginger ale, liquor cases, bottles, or liquor baskets, or packages, taps or faucets, or in any store, place or premises connected by any internal communication with such first-mentioned store, shop, place or premises, shall hereafter be granted to any person who was not a licensee or the holder of a shop license on the 25th day of March, 1884, or to his assigns. Limitation on issue of shop licenses.

(2) If any other commodity or goods are sold or exposed for sale, save as aforesaid, in any licensed shop in the preceding sub-section provided for, the license shall be void, and such licensed person may be convicted of selling liquor without license, upon proof that any other commodity or goods is or are exposed for sale or sold at such shop, save as aforesaid, and such conviction shall be conclusive evidence that such person is unlicensed. Nothing in this section shall limit the authority of municipal councils in respect of shop licenses under the next preceding two sections. All the provisions regarding the closing of licensed taverns and sales, and evidences of sales therein during prohibited hours shall apply to shops licensed in any municipality after the by-law secondly provided for in the next preceding section shall have come into force, and to shops which are provided for in the next preceding sub-section. License void if other goods sold.

(3) The aforesaid mineral or aerated waters or ginger ale shall not be sold in less quantities than one-half dozen bottles, and shall not be allowed to be consumed upon the licensed premises under the same penalty as is provided for a breach of section 60 of this Act. Mineral waters not to be consumed upon licensed premises.

(4) From and after the 1st day of May, in the year 1888, no shop license shall be granted to any person to sell liquors in any store, shop, place, or premises where groceries or other merchandise are sold, or exposed for sale, except as aforesaid or in any store, place or premises, connected by any internal communication with such first-mentioned store, shop, place or premises. 47 V. c. 34, s. 6 (3-5, 7). Conditions for obtaining shop license.

LICENSES BY WHOLESALE.

34. The inspector of the license district, in any municipality in which the license applied for is to have effect, shall issue to any applicant, upon a requisition therefor signed by him, and after payment to the inspector of the proper duty Issue of licenses by wholesale.

thereon, a license for selling fermented, spirituous or other liquors, by wholesale only, in his warehouse, store, shop, or place to be defined in the said license, and situate within the said municipality, and such license shall be deemed a license by wholesale within the meaning and subject to the provisions of sub-section 4 of section 2 of this Act. R. S. O. 1877, c. 181, s. 25.

Regulations
as to issue of
wholesale
licenses.

35. Wholesale licenses may be issued at any time during the year after the license commissioners of the district in which such license is to have effect, have directed the same to be granted, and shall be strictly limited to persons who carry on the business of selling by wholesale or in unbroken packages, and any wholesale license so issued shall be and become void in case the holder thereof, at any time during the currency of the said license, directly or indirectly, or by or with any partner, clerk, agent or other person, carries on, upon the premises to which such license applies, the business of a retail dealer in any other goods, wares or merchandise. R. S. O. 1877, c. 181, s. 26.

Manufacturers of
native wine.

36. Manufacturers of native wines, from grapes grown and produced in Ontario, and who sell such wines in quantities of not less than one gallon, or two bottles of not less than three half-pints each at one time, shall be exempt from any duty under this Act, and shall not be required to obtain any license for so selling wines so manufactured. R. S. O. 1877, c. 181, s. 27.

TRANSFER OF LICENSES.

Transfers of
licenses.

37.—(1) In case any person having lawfully obtained a license under this Act before the expiration of his license dies, or sells, or by operation of law or otherwise assigns his business, or removes from the house or place in respect of which the said license applies, his license shall, *ipso facto*, become forfeited, and be absolutely null and void to all intents and purposes whatsoever,—unless such person, his assigns or legal representatives, within one month after the death, assignment, or removal of the original holder of such license, or other period, in the discretion of the license commissioners of the district in which the license has effect, obtains their written consent either to the continuance of the said business or to the transfer of such license to any other person, and thereupon forthwith transfers the same to such other person, who, under such transfer, may exercise the rights granted by such license, subject to all the duties and obligations of the original holder thereof, until the expiration thereof, in the house or place for which such license was issued and to which it applies, but in no other house or place.

On transfer of
tavern license
new report
necessary.

(2) In every such case of a transfer of a tavern license, the person in whose favour any such transfer is to be made shall first produce to the license commissioners a report of the inspector similar to that mentioned in section 11 of this Act. R. S. O. 1877, c. 181, s. 28.

(3) Upon receipt by the inspector of an application for a transfer of a license, and pending the consideration and consent thereto by the board of license commissioners, the inspector may within one month thereafter issue to the proposed transferee a written provisional consent in the form Schedule M to this Act annexed, under which the proposed transferee may exercise the rights granted by the license issued to the premises until the written consent of the board of license commissioners may be obtained: provided always that such written consent shall not operate or extend beyond one month from the time of the death of the original licensee or from the sale or transfer by the licensee or by operation of law; and provided further that such provisional consent shall not have any force or effect, unless the same be countersigned by one member of the board. 44 V. c. 27, s. 1.

Provisional consent to a transfer of license.

(4) Where an application is made for a transfer of a license issued to a tavern or shop situate in a remote part of the license district, or where for any other reason the license commissioners see fit, they may dispense with the report of the inspector, and act upon such information as may satisfy them in the premises. 47 V. c. 34, s. 7.

Report of Inspector may be dispensed with.

REMOVAL OF LICENSEE.

38.—(1) Any inspector may, after resolution of the license commissioners allowing the same, endorse on any tavern or shop license permission to the holder thereof, or his assigns or legal representatives, to remove from the house to which his license applies to another house to be described in the endorsement to be made by the inspector on the license, and situate within the same municipality, and possessing all the accommodation required by law.

Inspector may consent to removal of tavern keeper to another house.

(2) Such permission, when the approval of the inspector is endorsed on the license, shall authorize the holder of the license to sell the same liquors in the house mentioned in the endorsement during the unexpired portion of the term for which the license was granted, in the same manner, and upon the same terms and conditions; but no such permission shall be granted unless and until the person applying therefor has filed with the license commissioners a report of the inspector containing the information required by law in case of application for a license, and any bond or security which such holder of a license may have given for any purpose relative to such license, shall apply to the house or place to which such removal is authorized, but such permission shall not entitle him to sell at any other than this one place. R. S. O. 1877, c. 181, s. 29.

Effect of such consent.

Bond to apply.

39. Where the inspector is required, in the case of an application for leave to transfer or remove a license, to make an inspection, under the next preceding two sections and to travel, in order to make such inspection, a distance of more

Mileage to be paid inspector in certain cases.

than three miles from his office or residence, the person making such application for a transfer or removal, shall pay to the inspector, in addition to all other fees, the sum of ten cents per mile, one way, for his travelling expenses, and the same shall be deposited by the inspector to the credit of the license fund; but the inspector may be allowed the same, or so much thereof as is necessary to pay the actual cost of his travelling expenses in order to make such inspection, upon his accounts being rendered and approved in the ordinary manner; but this section shall not apply to city license districts. 44 V. c. 27, s. 18.

WHERE LICENSE LAPSES.

How licenses may be granted for premises where for any cause the license becomes void, etc.

40. In case for any cause the license becomes void, or in case the term or interest of the holder of a license in the premises licensed ceases before the expiry of the license, or if such licensee absconds or abandons the premises, or becomes insolvent, the license commissioners may grant a new license for the same premises, subject to the provisions of this Act, upon such terms as to the payment or refund by the new licensee of the duty for the unexpired period to the person entitled thereto under the original license, as to the license commissioners may seem just. R. S. O. 1877, c. 181, s. 30.

DUTIES PAYABLE.

Duties.

41.—(1) The following license duties shall hereafter be payable and shall, subject to the provisions of the next following three sections, be in lieu of all others, provincial or municipal, that is to say:

| | |
|--|----------|
| 1. For each wholesale license..... | \$150 00 |
| 2. For each tavern license in cities | 100 00 |
| “ “ towns | 80 00 |
| “ “ other municipalities.. | 60 00 |
| 3. For each shop license in cities | 100 00 |
| “ “ towns | 80 00 |
| “ “ other municipalities.... | 60 00 |

R. S. O. 1877, c. 181, s. 31 (1-3).

| | |
|--|--------|
| 4. For each beer and wine license in cities | 50 00 |
| “ “ towns | 40 00 |
| “ “ other municipalities | 30 00 |
| 5. For each license (other than a beer and wine license), for a vessel navigating any of the great lakes or the rivers St. Lawrence or Ottawa..... | 100 00 |
| For each beer and wine license for any such vessel. | 50 00 |
| For each license (other than a beer or wine license), for a vessel navigating the inland waters of the Province other than as aforesaid..... | 60 00 |
| For each beer and wine license for any such last- mentioned vessel..... | 30 00 |

6. For every transfer or removal of a license under sections 37 and 38 of this Act, \$5, and the mileage of the Inspector, as provided by section 39 of this Act. 44 V. c. 27, s. 2.

(2) All moneys received for vessel licenses shall belong to Her Majesty, and be paid over to the Treasurer of the Province. Vessel licenses.
R. S. O. 1877, c. 181, s. 36.

42.—(1) The council of any municipality may by by-law to be passed before the 1st day of March in any year, require a larger duty to be paid for tavern or shop licenses therein, but not in excess of \$200 in the whole, unless the by-law has been approved by the electors in the manner provided by *The Municipal Act*, with respect to by-laws which before their final passing require the assent of the electors of the municipality. Council may impose a larger duty up to \$200, but not more without consent of electors.
R. S. O. 1877, c. 181, s. 32 (1). Rev. Stat. c. 184.

(2) Such by-law shall take effect from the passing thereof, unless passed later than the first day of March in any year, in which case it shall come into force on the first day of May of the next succeeding year, and every such by-law shall remain in force until repealed. R. S. O. 1877, c. 181, s. 32 (2); 49 V. c. 39, s. 3.

(3) Any by-law so approved shall not be varied or repealed unless the varying or repealing by-law has been in like manner submitted to and approved of by the electors of the municipality. R. S. O. 1877, c. 181, s. 32 (3).

43. In any municipality where, by virtue of any by-law in that behalf, passed under the provisions of any former Act, a larger sum or duty in the whole than that mentioned in section 41 was on the 10th day of February, 1876, payable for any shop or tavern license, such sum or duty shall be the lowest duty payable under this Act for any such license, until altered by by-law of the municipality to be passed for the purpose, but in no case shall the duty be under the amount in the said section specially prescribed. When duties now exceed the statutory figure they are not affected.
R. S. O. 1877, c. 181, s. 33.

44.—(1) Over and above the duties for licenses hereinbefore imposed, and any duties which have been or may be imposed by any municipal by-law, unless the municipality shall by by-law otherwise provide, there shall be paid, in order to the raising of a revenue for provincial purposes, for the exclusive use of this Province, the following additional duties thereon, the whole of which shall form part of the Consolidated Revenue of the Province: Additional license duties.

| | |
|--|----------|
| 1. For each wholesale license..... | \$100 00 |
| 2. For each tavern or shop license in cities of over 20,000 inhabitants..... | 150 00 |
| For each tavern or shop license in cities of less than 20,000 inhabitants..... | 100 00 |

| | |
|---|----------|
| For each tavern or shop license in towns..... | \$ 70 00 |
| “ “ in incorporated villages | 60 00 |
| “ “ in townships..... | 30 00 |
| For each tavern license in cities granted to premises exempted from the necessity of having all the tavern accommodation provided by law | 200 00 |
| do. do. in towns..... | 170 00 |
| 3. For each beer and wine license, a fee in addition to that provided by sub-section 4 of section 41, of one-fourth that hereby added to tavern licenses..... | |
| 4. For each vessel license, (a) great lakes.... | 75 00 |
| do. do. (b) do. beer and wine | 25 00 |
| do. do. (c) inland waters..... | 40 00 |
| do. do. (d) do. beer and wine | 15 00 |

Population
law deter-
mined.

(2). The population of a city for the purpose of this section shall be determined by the enumeration taken by the municipal assessors at the last preceding assessment.

License duties
imposed by
municipali-
ties.

(3). Nothing herein contained shall limit the right of the council of any municipality, without submitting the same to the ratepayers, by their by-law to fix the duties or fees upon tavern or shop licenses, wholly for the use of the municipality, and the sum so fixed, or to be fixed, by any municipal council, may be, in addition to the sum imposed by this section, in and for the respective municipalities above mentioned. 49 V. c. 39, s. 1.

LICENSE FUND.

The duties,
fines and pen-
alties to form
a License
Fund.

45.—(1) All sums received from duties on tavern, shop and wholesale licenses, and for transfers and removals thereof, and received by the inspector for fines and penalties, shall form the license fund of the license district, for which the board of license commissioners has been appointed. R. S. O. 1877, c. 181, s. 34 (1); 44 V. c. 27, s. 3; 48 V. c. 43, s. 8, *part*.

Appropriation
of the Fund.

(2) So much of the license fund as is not specially appropriated otherwise, shall be applied, under regulations of the Lieutenant-Governor in Council, for the payment of the salary and expenses of the inspector, and for the expenses of the office of the board and of officers, and otherwise in carrying the provisions of the law into effect, and the residue, on the 30th day of June in each year, and at such other times as may be prescribed by the regulations of the Lieutenant-Governor in Council, shall be paid over,—one-third to the Treasurer of the Province, to and for the use of the Province, and the other two-thirds to the treasurer of the city, town, village, or township municipality in which the licensed premises are respectively situate; but in cases where any municipality by by-law requires a larger duty in the case of tavern or shop licenses to

be paid than the specific sums mentioned in sections 41 and 44 for any license, the whole of such excess shall be paid over to the treasurer of such municipality.

(3) Cheques upon the license fund account shall be drawn by the inspector, and countersigned by the chairman of the board, or any two of the license commissioners, subject to the regulations of the Lieutenant-Governor in Council. R. S. O. 1877, c. 181, s. 34 (2, 3). Cheques upon the License Fund Account.

46.—(1) Any penalty in money recovered under this Act, in cases in which an inspector is the prosecutor or complainant, shall be paid by the convicting Justice, Justices or Police Magistrate to the inspector, and paid in by him to the credit of the "License Fund Account." Application of penalties where Inspector is prosecutor.

(2) In case the whole amount of the penalty and costs is not recovered, the amount recovered shall be applied, first, to the payment of the costs, and the balance shall be appropriated as hereinafter mentioned. Where the whole penalty and costs are not recovered.

(3) In any case where the inspector has prosecuted and obtained a conviction, and has been unable to recover the amount of costs, the same shall be made good out of the said license fund. Where costs are not recovered.

(4) In any case where the inspector has prosecuted and failed to obtain a conviction, he shall be indemnified against all costs out of the license fund, should the Justice, Justices or Police Magistrate before whom the complaint is made certify that such officer had reasonable and probable cause for preferring such prosecution or complaint. R. S. O. 1877, c. 181, s. 35. Indemnity of Inspector where he fails to obtain a conviction.

REGULATIONS AND PROHIBITIONS.

47. All licenses shall be constantly and conspicuously exposed in the warehouses, shops or in the bar-room of taverns, inns, alehouses, beerhouses or other places of public entertainment, and in the bar-saloon, or bar cabin of vessels, under a penalty of \$5 for every day's wilful or negligent omission so to do, to be recovered with costs from the merchant, shopkeeper or tavern, inn, alehouse or beerhouse-keeper or keeper of any other place of public entertainment, or master, captain or owner of the vessel so making default. R. S. O. 1877, c. 181, s. 37. Licenses to be kept exposed. Penalty.

48. Every person who keeps a tavern, or other place of public entertainment, in respect of which a tavern license has duly issued and is in force, shall exhibit over the door of such tavern, inn, alehouse, beerhouse, or other place of public entertainment, in large letters, the words, "*Licensed to sell wine, beer, and other spirituous or fermented liquors*" and in default thereof, shall be liable to a penalty of \$5, besides costs. R. S. O. 1877, c. 181, s. 38. Tavern keepers to exhibit notice of being licensed. Penalty.

No person shall sell liquors without license.

49—(1) No person shall sell by wholesale or retail any spirituous, fermented, or other manufactured liquors without having first obtained a license under this Act authorizing him so to do: but this section shall not apply to sales under legal process or for distress, or sales by assignees in insolvency.

(2) No person unless duly licensed shall by any sign or notice hold himself out to the public as so licensed; and the use of any sign or notice for this purpose is hereby prohibited. R. S. O. 1877, c. 181, s. 39.

Persons not to keep spirituous, etc., liquors for sale unless licensed.

50. No person shall keep or have in any house, building, shop, eating-house, saloon, or house of public entertainment, or in any room or place whatsoever, any spirituous, fermented or other manufactured liquors for the purpose of selling, bartering or trading therein, unless duly licensed thereto under the provisions of this Act; nor shall the occupant of any such shop, eating-house, saloon, or house of public entertainment, unless duly licensed, permit any liquors, whether sold by him or not, to be consumed upon the premises, by any person other than members of his family or employees, or guests not being customers. R. S. O. 1877, c. 181, s. 40; 47 V. c. 34, s. 8.

Sections 49-50 not to apply to brewers, etc.

51.—(1) Sections 49 and 50 shall not prevent any brewer, distiller, or other person duly licensed by the Government of Canada for the manufacture of fermented, spirituous, or other liquors, from keeping, having or selling any liquor manufactured by him in any building wherein such manufacture is carried on, provided such building forms no part of and does not communicate by any entrance with any shop or premises wherein any article authorized to be manufactured under such license is sold by retail, or wherein is kept any broken package of such articles.

(2) Every such brewer, distiller, or other person, shall also first obtain a license to sell by wholesale under this Act the liquor so manufactured by him, when sold for consumption within this Province, under which license the said liquor may be sold by sample, or in original packages, in any municipality, as well as in that in which it is manufactured; but no such sales shall be in quantities less than those prescribed in sub-section 4 of section 2 of this Act. R. S. O. 1877, c. 181, s. 41.

Nor to chemists.

Rev. Stat. c. 151.

52.—(1) The said sections numbered 49 and 50 of this Act shall not prevent any chemist or druggist duly registered as such under and by virtue of *The Pharmacy Act*, from keeping, having or selling liquors for strictly medicinal purposes, and then only in packages of not more than six ounces at any one time except under certificate from a registered medical practitioner; but it shall be the duty of such chemist or druggist to record in a book, to be open to the inspection of the license commissioners or inspector, every sale or other disposal by him of liquor, and such record shall shew as to

every such sale or disposal, the time when, the person to whom, the quantity sold, and the certificate, if any, of what medical practitioner, and in default of such sale or disposal being so placed on record, every such sale or disposal shall, *prima facie*, be held to be in contravention of the provisions contained in the said sections 49 and 50 of this Act. R. S. O. 1877, c. 181, s. 42; 44 V. c. 27, s. 4.

(2) Any medical practitioner or Justice of the Peace who colourably gives a certificate or requisition for medical purposes, without which liquor could not be lawfully obtained, or be lawfully obtained from a chemist or druggist in quantities of more than six ounces, to enable or for the purpose of enabling any person to obtain liquor to drink as a beverage, shall, for the first offence, be liable to a penalty of not less than \$10 nor more than \$20, and for a second or any subsequent offence, of not less than \$20 nor more than \$40. 47 V. c. 34, s. 12.

Medical practitioner or Justice of the Peace not to give a requisition for liquor colourably.

(3) Nothing in this section shall restrict the sale of methylated alcohol, or oil of whiskey or other medicines for cattle or horses. 50 V. c. 8, *Sched.*

Exceptions

CLUBS.

53.—(1) Any society, association or club which has been or shall be formed or incorporated under *The Act respecting Beneficent, Provident, and other Societies*, and any unincorporated society, association or club which has been or may be formed or carried on specially or chiefly for the purpose of selling, bartering, or supplying, or of enabling any such society, association, or club to sell, barter or supply liquor to the members thereof, or to others, without a license, under this Act, and so as by means of such organization to evade the operations of this Act and any member, officer or servant thereof, or person resorting thereto, who shall sell or barter liquor to any member thereof or to any other person without the license therefor by this Act required, shall be held to have violated section 49 of this Act and shall incur the penalties provided for the sale of liquor without license.

Clubs or societies incorporated under Rev. Stat. c. 172, not to sell liquors.

(2) The keeping or having in any house or building, or in any room or place occupied or controlled by such club, association or society, or any member or members thereof, or by any person resorting thereto, of any liquor for sale or barter, shall be a violation of section 50 of this Act.

Keeping of liquor by clubs or societies a violation of sec. 50.

(3) Proof of consumption or intended consumption of liquor in such premises by any member of such club, association or society, or person who resorts thereto, shall be conclusive evidence of sale of such liquor, and the occupants of the premises or any member of the club, association or society, or person who resorts thereto shall be taken conclusively to be the person who has or keeps therein such liquor for sale or barter: and any liquor found upon such premises shall be liable to seizure in the manner provided by this Act. 47 V. c. 34, s. 9.

Consumption of liquor evidence of sale.

All places where intoxicating liquors sold to be closed from seven o'clock on Saturday night till six o'clock on Monday morning.

Exception.

54.—(1) In all places where intoxicating liquors are, or may be, sold by wholesale or retail, no sale or other disposal of the said liquors shall take place therein, or on the premises thereof, or out of or from the same, to any person or persons whomsoever, from or after the hour of seven of the clock on Saturday night till six of the clock on Monday morning thereafter, and during any further time on the said days, and any hours or other days during which, by any statute in force in this Province, or by any by-law in force in the municipality wherein such place or places may be situated, the same, or the bar-room or bar-rooms thereof, ought to be kept closed, save and except in cases where a requisition for medical purposes, signed by a licensed medical practitioner, or by a Justice of the Peace, is produced by the vendee or his agent; nor shall any such liquor, whether sold or not, be permitted or allowed to be drunk in any such places during the time prohibited by this Act for the sale of the same, except by the occupant or some member of his family, or lodger in his house. R. S. O. 1877, c. 181, s. 43.

Inspector to prosecute for second offence where sale on Saturday night and Sunday.

(2) Where a prior conviction or convictions have been had, it shall be the duty of the inspector when aware of the same, or when the same have been brought to his knowledge, to prosecute as for a second or subsequent offence, as the case may be, but an omission by the inspector to do this shall not invalidate any conviction that may have been obtained. This sub-section shall only apply to convictions for violations of that portion of the next preceding sub-section which prohibits the sale or other disposal of liquors in all places where intoxicating liquors are or may be sold, from and after the hour of seven of the clock on Saturday night till six of the clock on Monday morning thereafter; but where any prior conviction is for a violation of the said next preceding sub-section the onus of establishing that it was not for a violation during the said hours from Saturday night until Monday morning, shall lie upon the defendant. 47 V. c. 34, s. 13.

(3) Any inspector who shall knowingly or wilfully violate the provisions of this section shall incur a penalty of not less than \$10 and not more than \$20. 49 V. c. 39, s. 17.

When keeper of house guilty of violation of provisions as to Sunday closing.

55.—(1) The keeper of any licensed tavern in a city or town shall keep the bar-room or room in which liquor is trafficked in, closed as against all persons, other than those permitted to enter the same under clauses (a) and (b) of this section, between the hours of seven o'clock on Saturday night and six o'clock on Monday morning thereafter; and any keeper of such licensed tavern who allows or suffers any person or persons to frequent or to be present in such bar-room or room in which liquor is trafficked in during the time aforesaid, shall be guilty of an offence under this Act, unless it be established to the satisfaction of the Police Magistrate or other Justice or Justices before whom the prosecution is heard,

- (a) That the person so found frequenting, or present in the bar-room where liquor is trafficked in, as aforesaid, was at the time he or she so frequented or was present in such bar-room, a member of the family or household, (other than a lodger, boarder, or guest) or a servant, or employee of such keeper actually engaged in necessary domestic occupation or service within the said bar-room,
- (b) Or that such person was present therein lawfully engaged in receiving or supplying liquor which might lawfully be sold during said prohibited hours.

(2) The word "keeper" when used in this section shall include the person actually contravening the provisions of this section, whether acting on behalf of himself or of another or others, and the actual offender as well as the "keeper" of the licensed tavern shall be personally liable to the penalties and punishments which may be imposed for the infraction or violation of this section, and at the prosecutor's option the actual offender may be prosecuted jointly with or separately from the keeper, but both of them shall not be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other of them therefor. 49 V. c. 39, s. 11.

56. Any person so found in such bar-room, or who has been present therein during the prohibited hours, in the preceding section mentioned, and who does not come within the exceptions and proviso in that section contained, shall be guilty of an offence under this Act, and upon conviction thereof shall be liable to a penalty for each offence of not more than \$10 and not less than \$2 with costs. 49 V. c. 39, s. 12.

When persons other than keeper of house guilty.

57. No sale or other disposal of liquor shall take place in any licensed premises within the limits of a polling subdivision, on any polling day for or at any Parliamentary election or election of a member for the Legislative Assembly, or any municipal election, or on any day in which a vote in accordance with the provisions of *The Canada Temperance Act*, is being taken, from or after the time of six o'clock in the morning of the said day, until the following lawful day at six o'clock in the morning. 47 V. c. 34, s. 10.

No sales on polling days.

R. S. C. c. 106.

58.—(1) Every person, not being the occupant or a member of his family or lodger in his house, who buys or obtains, or attempts to buy or obtain intoxicating liquor during the time prohibited by this Act for the sale thereof, in any place where the same is or may be sold by wholesale or retail, shall be guilty of an offence under this Act. 48 V. c. 43, s. 1.

Obtaining liquor at prohibited time an offence.

(2) Notwithstanding anything in this Act contained, any Police Magistrate or Justice of the Peace before whom any information or complaint is laid or made for the prosecution of any offence against the provisions of sub-section 1 of section

Power to exempt witness from penalty.

54 may, having regard to the demeanour of any witness and his mode of giving his evidence, by certificate in that behalf exempt such witness from the operation of sub-section 1 of this section and from all proceedings and penalties thereunder in respect of the subject matter of such information or complaint. 48 V. c. 43, s. 4.

Provision where alleged violation of sub-s. 1 committed in detecting breach of law.

(3) If it shall be made to appear to the Police Magistrate or Justices before whom any complaint under this Act is heard, that the person charged with the violation of sub-section 1 of this section was so acting as an officer whose duty it was to enforce the liquor license laws, or under the instructions or authority in writing of any board of license commissioners, inspector or provincial officer, for the purpose of detecting a known or suspected offender against the liquor license laws, and of obtaining evidence upon which he might be brought to justice, the defendant shall not be convicted. 48 V. c. 43, s. 5

Sale of liquors from ships in port prohibited.

59.—(1) Where a license is issued under this Act, to authorize the sale of liquors upon any vessel navigating any river, lake, or water in this Province, no sale or other disposal of liquor shall take place thereon or therefrom, to be consumed by any person other than a passenger on the said vessel, whilst such vessel is at any port, pier, wharf, dock, mooring or station; nor shall any liquor, whether sold or not, be permitted or allowed to be consumed in or upon any vessel departing from and returning to the same port or wharf, dock, mooring or station, within the time hereinafter in this section mentioned, by any person during the hours prohibited by section 54, for sale of the same except for medical purposes as provided in the said section.

Penalty.

(2) In case any such sale or other disposal of liquor takes place, the said license shall *ipso facto* be and become forfeited and absolutely void, and the captain or master in charge of such vessel, and the owner or person navigating the same, as well as the person actually selling or disposing of liquor contrary to this section, shall be severally and respectively liable to pay to the Crown for the public uses of this Province the sum of \$100; and any person who sells or disposes of any liquor contrary to the provisions of this section, shall also be liable to the same penalty and punishment therefor as are hereinafter prescribed in section 71 of this Act. R. S. O. 1877, c. 181, s. 44.

Shop license not to authorize liquor sold to be consumed in the house.

60. No person having a shop license to sell by retail, and no chemist or druggist shall allow any liquors sold by him or in his possession, and for the sale of which a license is required, to be consumed within his shop, or within the building of which such shop forms part, or which communicates by any entrance with such shop, either by the purchaser thereof, or by any other person not usually resident within such building, under the penalty, in money, imposed by section 70 of this Act. R. S. O. 1877 c. 181, s. 45.

Penalty.

61. No person having a license to sell by wholesale, shall allow any liquors sold by him or in his possession for sale, and for the sale or disposal of which such license is required, to be consumed within his warehouse or shop, or within any building which forms part of or is appurtenant to, or which communicates by any entrance with any warehouse, shop or other premises wherein any article to be sold or disposed of under such license is sold by retail, or wherein there are kept any broken packages of such articles. R. S. O. 1877, c. 181, s. 46.

Liquor not to be consumed on premises of persons having license by wholesale.

62.—(1) No person shall by himself or his partner, servant, clerk, agent or otherwise, sell or deliver intoxicating liquors of any kind to any person not entitled to sell liquor, and who sells such liquor, or who buys for the purpose of re-selling, and any violation of the foregoing provision shall be an offence under this Act.

Prohibition of sale to unlicensed persons.

(2) But no person shall be convicted under this section who establishes to the satisfaction of the Police Magistrate or other Justice or Justices before whom the prosecution is heard that he had reason to believe and did believe that the person to whom the liquor was sold or delivered was duly licensed to sell such liquor, or did not sell liquor unlawfully, or did not buy to re-sell.

(3) This section applies only to a sale or delivery of liquor in any city, town or village by a person residing or carrying on business therein to a person who sells liquor unlawfully in the same city, town or village. 49 V. c. 39, s. 13.

63. Not more than one bar shall be kept in any house or premises licensed under this Act. 47 V. c. 34, s. 23.

One bar only.

64. No tavern license shall be granted in respect of any house in any city, town or incorporated village not already licensed, unless such house has a separate front entrance, in addition to the entrance to the bar or place where liquors are sold. 47 V. c. 34, s. 25.

Entrance to hotel to be separate from bar.

65. If any person holding a license purchases from any person any wearing apparel, tools, implements of trade or husbandry, fishing gear, household goods, furniture, or provisions either by way of sale or barter, directly or indirectly, the consideration for which, in whole or in part, is any intoxicating liquor or the price thereof, or receives from any person any goods in pawn, any Stipendiary or Police Magistrate, or any two Justices of the Peace, on sufficient proof on oath being made before him or them of the facts, may issue his or their warrant for the restitution of all such property, and for the payment of costs; and in default thereof the warrant shall contain directions for levying by sale of the offender's goods to the value of such property so pawned, sold, or bartered, and costs, and the offender shall also be liable to a penalty not exceeding \$20. 47 V. c. 34, s. 27.

Licensee not to purchase certain articles, or receive them in pledge.

Restitution may be ordered and enforced.

PENALTIES.

Not lawful to take money for certificate, etc.

66. It shall not be lawful for the license commissioners of any license district, or any of them, nor for any inspector, either directly or indirectly, to receive, take, or have any money whatsoever, for any certificate, license, report, matter or thing connected with or relating to any grant of any license, other than the sum to be paid therefor as the duty under the provisions of this Act, or to receive, take or have any note, security or promise for the payment of any such money or any part thereof, from any person or persons whatsoever; and any person or persons guilty of, or concerned in, or party to any act, matter or thing contrary to the provisions of this section, or of sections 12 and 13, shall forfeit and pay to and for the use of Her Majesty a penalty of not less than \$50, nor more than \$100, besides costs, for every such offence. R. S. O. 1877, c. 181, s. 47.

Penalty.

Penalty for issuing any license contrary to this Act.

67. Any member of a board of license commissioners or any inspector, officer or other person who, contrary to the provisions of this Act, knowingly issues, or causes or procures to be issued, a tavern or shop license, or a certificate therefor, shall, upon conviction thereof, for each offence pay a fine of not less than \$40, nor more than \$100, and in default of payment of such fine, the offender or offenders may be imprisoned in the county gaol of the county in which the conviction takes place for a period not exceeding three months. R. S. O. 1877, c. 181, s. 48.

Forfeiture of office by municipal officer if convicted.

68. If an officer of any municipal corporation is convicted of any offence under this Act, he shall, in addition to any other penalty to which he may be liable under this Act, thereby forfeit and vacate his office and shall be disqualified from holding any office in any municipality in this Province for two years thereafter. R. S. O. 1877, c. 181, s. 49.

Forfeiture of office by member of council if convicted.

69. If a member of any municipal council is convicted of any offence under this Act, he shall, in addition to any other penalty to which he may be liable under this Act, thereby forfeit and vacate his seat, and shall be ineligible to be elected to or to sit or vote in any municipal council for two years thereafter; and if any such person, after the forfeiture aforesaid, sits or votes in any municipal council, he shall incur a penalty of \$40 for every day he so sits or votes. R. S. O. 1877, c. 181, s. 50.

Penalty.

Penalty for selling without license.

70. Any person who sells or barter spirituous, fermented or manufactured liquors of any kind, or intoxicating liquors of any kind, without the license therefor by law required, shall for the first offence, on conviction thereof, forfeit and pay a penalty of not less than \$50 besides costs, and not more than

\$100 besides costs; and in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence was committed, for a period of not less than three months, and to be kept at hard labour, in the discretion of the convicting magistrate; and for the second offence, on conviction thereof, such person shall be imprisoned in such gaol for the period of four months, to be kept at hard labour in the discretion of the convicting magistrate; and for the third or subsequent offence, on conviction thereof, such person shall be imprisoned in such gaol for the period of six months, to be kept at hard labour in the discretion of the convicting magistrate; and in the event of the imprisonment of any person upon several warrants of commitment under different convictions in pursuance of this Act, whether issued in default of distress for a penalty or otherwise, the terms of imprisonment under such warrants shall be consecutive and not concurrent. 49 V. c. 39, s. 4.

Punishments
for second and
third offences.

71.—(1) For punishment of offences against sub-section 1 of section 54 of this Act, the following penalties are imposed, (1) for the first offence a penalty of not less than \$20 and not more than \$40 with costs, shall, in case of conviction, be recoverable from and leviable against the goods and chattels of the persons who are the proprietors in occupancy, or the tenants or agents in occupancy of the said place or places, who are found by themselves, or their servants or agents, to have contravened the said sub-section 1 of section 54, or any part thereof, and in default of payment of such fine and costs the offenders may be imprisoned in the county gaol of the county in which the conviction is made, for a period not exceeding fifteen days with hard labour; (2) for the second offence, a penalty against every such offender of not less than \$40 and not more than \$80 with costs, or twenty days' imprisonment with hard labour; (3) for a third offence, a penalty against every such offender of not less than \$80 and not more than \$100 with costs, or fifty days' imprisonment with hard labour; and such conviction for a third offence shall, in addition to any other punishment by law provided, *ipso facto* operate as a forfeiture of the license held by the person so convicted, and disqualify him from obtaining a license for two years thereafter. 47 V. c. 34, s. 11; 48 V. c. 43, s. 2.

Penalty for
contravention
of sec. 54 (1).

Second
offence.

Third offence.

2. Every person convicted of an offence against sub-section 1 of section 58 of this Act shall be liable to a penalty for each offence of not more than \$10 and not less than \$2 with costs. 48 V. c. 43, s. 3.

Penalty for
contravention
of s. 58 (1).

72. Every tavern keeper failing or refusing, either personally or through any one acting on his behalf, except for some valid reason, to supply lodging, meals, or accommodation to travellers, shall for each offence, be liable, on conviction to forfeit and pay any sum not exceeding \$20. 47 V. c. 34, s. 26.

Penalty for
refusing
lodging, etc.

Penalty for
permitting
drunkenness,
etc.

73. If any person licensed under this Act permits drunkenness, or any violent, quarrelsome, riotous or disorderly conduct to take place on his premises, or sells or delivers intoxicating liquor to any drunken person, or permits and suffers any drunken person to consume any intoxicating liquor on his premises, or permits and suffers persons of notoriously bad character to assemble or meet on his premises, or suffers any gambling or any unlawful game to be carried on on his premises, he shall be liable to a penalty of not less than \$10 and not exceeding \$50. 47 V. c. 34, s. 28.

Penalty for
internal
communica-
tions with un-
licensed
premises.

74. Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises which are used for public entertainments or resort, or as a refreshment house, shall be liable to a penalty of not less than \$10 and not exceeding \$50 for every day during which such communication remains open. 47 V. c. 34, s. 29.

Penalty for
allowing in-
ternal com-
munication
with premises
in which other
goods are sold.

75. Where the council of any city, town, village or township has by by-law required licensed shop-keepers to confine the business of their shops so licensed solely and exclusively to the keeping and selling of liquor, any person who makes or uses or allows to be made or used, any internal communication between any such licensed premises and any shop or premises in which other goods are sold, shall be liable to a penalty upon conviction for the first offence of not less than \$20 and not exceeding \$50 for every day, or part of a day, upon which such communication remains open, and in default of payment thereof, shall be imprisoned in the county gaol of the county in which the offence was committed, for a period of not less than one month, to be kept at hard labour in the discretion of the convicting Justice, and for a second offence upon conviction thereof his license shall, *ipso facto*, become forfeited and void. 49 V. c. 39, s. 18.

Penalty for
allowing
liquors to be
supplied to
person appar-
ently under
age of 16.

76. Any licensed person who allows to be supplied in his licensed premises, by purchase or otherwise, any description whatever of liquor to any person apparently under the age of sixteen years, of either sex, not being resident on the premises or a *bona fide* guest or lodger, shall, as well as the person who actually gives or supplies the liquor, be liable to pay a penalty of not less than \$10 and not exceeding \$20 for every such offence. 47 V. c. 34, s. 30.

Punishment
for allowing
liquor to be
unlawfully
consumed on
premises.

77.—(1) If any person having a license to sell liquors not to be drunk on the premises, himself takes or carries, or employs or suffers any other person to take or carry, any liquor out of or from the premises of such licensed person for the purpose of being sold on his account or for his benefit or profit, and of being drunk or consumed in any other house, tent, shed or other building of any kind whatever, belonging to such

licensed person, or hired, used or occupied by him, or on or in any place whether enclosed or not, and whether or not a public thoroughfare, such liquor shall be deemed to have been consumed by the purchaser thereof, on the premises of such licensed person, with his privity and consent, and such licensed person shall be punished accordingly, in manner provided by this Act.

(2) In any proceeding under this section it shall not be necessary to prove that the premises, or place, or places to which such liquor is taken to be drunk belonged to or were hired, used or occupied by the seller, if proof be given to the satisfaction of the Court hearing the case, that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of his license. 47 V. c. 34, s. 31.

What proof of offence sufficient.

78.—(1) If any purchaser of any liquor from a person who is not licensed to sell the same to be drunk on the premises, drinks, or causes or permits any other person to drink such liquor on the premises where the same is sold, the seller of such liquor shall, if it appears that such drinking was with his privity or consent, be subject to the following penalties, that is to say :

Case of purchaser drinking liquor on premises where bought, etc.

For the first offence he shall be liable to a penalty not exceeding \$20 ;

First offence.

For a second and any subsequent offence he shall be liable to a penalty of not less than \$10 and not exceeding \$50 ;

Second or subsequent offence.

For the purpose of this section the expression "premises where the same is sold" shall include any premises adjoining or near the premises where the liquor is sold, if belonging to the seller of the liquor, or under his control, or used by his permission.

Interpretation.

(2) Any purchaser of liquors in a house or premises to which a shop or wholesale license applies, who drinks or causes any one to drink, or allows liquor to be drunk in the shop or premises where the same has been purchased, shall be liable to a penalty of not less than \$10 and not exceeding \$20. 47 V. c. 34, s. 32.

Penalty on purchaser in certain cases.

79. The mayor or Police Magistrate of a town or city, or the reeve of a township or village, with any one Justice of the Peace, or any two Justices of the Peace having jurisdiction in the township or village, upon information to them, or one of them respectively, that any keeper of any inn, tavern, ale-house, beer-house or other house of public entertainment, situate within their jurisdiction, sanctions or allows gambling or riotous or disorderly conduct in his tavern or house, may summon the keeper of such inn, tavern, ale or beer-house to answer the complaint, and may investigate the same summarily, and either dismiss the complaint with costs to be paid by the complainant, or without costs, or convict the keeper of having an

Keepers of disorderly inn subject to certain penalties.

improper or a riotous or a disorderly house, at the case may be, and annul his license, or suspend the same for not more than sixty days, with or without costs, as in his or their discretion may seem just; and in case the keeper of any such inn, tavern, ale-house, beer-house or place of public entertainment, is convicted under this section, and his license annulled, he shall not be eligible to obtain a license for the period of two years thereafter and shall also be liable to the penalties by section 70 prescribed. R. S. O. 1877, c. 181, s. 53: 44 V. c. 27, s. 6.

Provisions as to harbouring constables on duty.

80. Any person licensed to sell wine, beer or spirituous liquors, or any keeper of the house, shop, room, or other place for the sale of liquors, who knowingly harbours or entertains any constable belonging to any police force, or suffers such person to abide or remain in his shop, room or other place during any part of the time appointed for his being on duty, unless for the purpose of quelling any disturbance, or restoring order, or otherwise in the execution of his duty, shall, for any of the offences aforesaid, be deprived of his license. R. S. O. 1877, c. 181, s. 54.

Penalty in case any person compromises, compounds, or settles a case.

81. Any person who, having violated any of the provisions of this Act, compromises, compounds or settles, or offers or attempts to compromise, compound or settle the offence with any person or persons, with the view of preventing any complaint being made in respect thereof, or if a complaint has been made with the view of getting rid of such complaint, or of stopping or having the same dismissed for want of prosecution or otherwise, shall be guilty of an offence under this Act, and on conviction thereof shall be imprisoned at hard labour in the common gaol of the county in which the offence was committed for the period of three months. R. S. O. 1877, c. 181, s. 55.

Penalty for being concerned in any such compromise, etc.

82. Every person who is concerned in, or is a party to, the compromise, composition or settlement mentioned in the next preceding section, shall be guilty of an offence under this Act, and on conviction thereof shall be imprisoned in the common gaol of the county in which the offence was committed for the period of three calendar months. R. S. O. 1877, c. 181, s. 56.

Person violating law may be disqualified from holding license.

83. Any holder of a beer and wine license who has been convicted of selling liquor without the license therefor required by law, or contrary to the terms of his license, or of this Act, shall, in addition to any other penalty provided, if the Police Magistrate or other Justice or Justices before whom the prosecution was heard, certify that the offence was in his or their opinion, a wilful one, be disqualified from having or holding a liquor license for, and during the then next succeeding license year, and any license granted to or obtained by any such person during such period shall be void. 49 V. c. 39, s. 16.

84. Any person who, on any prosecution under this Act, tampers with a witness, either before or after he is summoned or appears as such witness on any trial or proceeding under this Act, or by the offer of money, or by threats, or in any other way, either directly or indirectly, induces or attempts to induce any such person to absent himself, or to swear falsely, shall be liable to a penalty of \$50 for each offence. R. S. O. 1877, c. 181, s. 57. Penalty for tampering with a witness.

85. Any person who violates any other provision of this Act, in respect of which violation no other punishment is prescribed, shall for the first offence, on conviction thereof, forfeit and pay a penalty of not less than \$20 besides costs, and not more than \$50 besides costs; and for the second offence, on conviction thereof, such person shall forfeit and pay a penalty of not less than \$40, besides costs, and not more than \$60, besides costs, and in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence was committed, for a period not exceeding two months, and to be kept at hard labour, in the discretion of the convicting magistrate; and for the third or subsequent offence, on conviction thereof, such person shall be imprisoned in such gaol for the period of three months, to be kept at hard labour, in the discretion of the convicting magistrate. 49 V. c. 39, s. 5, *part*. Penalty for violations in cases not otherwise provided for.

86. In the event of the imprisonment of any person upon several warrants of commitment under different convictions in pursuance of this Act, whether issued in default of distress for a penalty or otherwise, the terms of imprisonment under such warrants shall be consecutive and not concurrent. 49 V. c. 39, s. 5, *part*. Imprisonment under different convictions.

Penalties not to be remitted.

87. No Police Magistrate or Justice or Justices of the Peace, license commissioner or inspector, or municipal council or municipal officer, shall have any power or authority to remit, suspend or compromise any penalty or punishment inflicted under this Act. R. S. O. 1877, c. 181, s. 58. Penalties or punishments not to be remitted.

Recovery of Penalties by Distress.

88. For the recovery of the penalties in money under this Act, and legal costs, upon and after conviction in cases not appealable, and in cases appealable where an appeal has not been perfected according to law, it shall be lawful for any Justice, Justices or Police Magistrate to issue a warrant of distress to any constable or peace officer, against the goods and chattels of the person or persons convicted; and in case no sufficient distress is found to satisfy the said conviction, then in cases not otherwise provided for by this Act, it shall be lawful for the said Justice, Justices or Police Magistrate to order that the Penalties and costs, how recoverable.

person or persons so convicted be imprisoned in any common gaol or gaol or lock-up house, within the county in which such conviction was made, for any period not exceeding thirty days, unless the penalty and all costs are sooner paid. R. S. O. 1877, c. 181, s. 59.

Application of Penalties.

(See also Section 45.)

Application
of penalties.

89. The penalties in money under this Act, or any portion of them which may be recovered, shall be paid to the convicting Justice, Justices, or Police Magistrate in the case, and shall by him, or them, in case the inspector or any officer appointed by the Lieutenant-Governor or by the license commissioners, is the prosecutor or complainant, be paid to the inspector as provided in section 46, and in case such inspector or officer is not the prosecutor or complainant, then the same shall be paid to the treasurer of the municipality wherein the offence was committed. R. S. O. 1877, c. 181, s. 60.

Municipalities
to set apart a
third.

90. The council of every municipality shall set apart not less than one-third part of such fines or penalties received by the said municipality for a fund to secure the prosecutions for infractions of this Act, and of any by-laws passed in pursuance thereof. R. S. O. 1877, c. 181, s. 61.

REVOCATION OF LICENCES BY COUNTY JUDGE.

Power of
County Judge
where license
improperly ob-
tained or
licensee con-
victed of
offence against
Act.

91. Upon the complaint of the inspector or the board of license commissioners or the county attorney, that a license has been issued contrary to any of the provisions of this Act or of any by-law in force in the said municipality, or that the license has been obtained by any fraud, or that the person licensed has been convicted on more than one occasion of any violation of the provisions of section 79 of this Act, or has been convicted on three several occasions of any violation of any of the provisions of this Act, whether the offences in respect of which such convictions were made were the same or different in their character, so long as such convictions were for offences committed on different days, the Judge of the County Court of the county in which any municipality is situate in any part of which the license granted is intended to take effect, shall summon the person to whom such license issued to appear, and shall proceed to hear and determine the matter of the said complaint in a summary manner, and may upon such hearing, or in default of appearance of the person summoned, determine and adjudge that such license upon any of the causes aforesaid, ought to be revoked, and thereupon shall order and adjudge that the same be revoked and cancelled accordingly, and thereupon the license shall be and become inoperative and

of none effect, and the person to whom such license issued shall thereafter, during the full period of two years, be disqualified from obtaining any further or other license under this Act. R. S. O. 1877, c. 181, s. 62; 47 V. c. 34, s. 15.

92. The complaint in the preceding section mentioned, may be by a short petition to the Judge entitled "In the County Court of the County of —— and "In the matter of the license granted to (*naming the defendant*)," praying for the revocation of the said license, and upon hearing the evidence adduced, or upon default of appearance of the prosecutor or defendant, the Judge may dismiss the matter of the complaint or make such order as he deems just, with or without costs to be paid by the prosecutor or defendant, and the order on adjudication of the Judge shall be final and conclusive, and shall not be the subject of appeal or revision by any Court whatever. R. S. O. 1877, c. 181, s. 64.

Procedure under preceding section.

PROSECUTIONS.

93. Any person may be prosecutor or complainant in prosecutions under this Act. R. S. O. 1877, c. 181, s. 66.

Any person may be prosecutor, etc.

94. All informations or complaints for the prosecution of any offence against any of the provisions of this Act, shall be laid or made in writing (within thirty days after the commission of the offence, or after the cause of action arose, and not afterwards), before any Justice of the Peace for the county or district in which the offence is alleged to have been committed, and may be made without any oath or affirmation to the truth thereof, and the same may be according to the form of Schedule C to this Act or to the like effect. R. S. O. 1877, c. 181, s. 65.

Information.

When to be laid.

Form.

95. No license commissioner or inspector who is a Justice of the Peace, shall try or adjudicate upon any complaint for an infraction of any of the provisions of this Act committed within the limits of the license district for which he is a license commissioner or inspector; but this section shall not be construed to apply to a Judge, or Junior Judge or Deputy Judge of a county. R. S. O. 1877, c. 181, s. 67.

License Commissioners or Inspectors who are Justices prohibited from trying certain complaints.

96.—(1) All prosecutions for the punishment of any offence against any of the provisions of sections 49, 50, 54, 59, 60, 66, 70, and 79 of this Act, or any section for the contravention of which a penalty or punishment is prescribed by section 70, whether the prosecution is for the recovery of a penalty or for punishment by imprisonment, may take place before any two or more of Her Majesty's Justices of the Peace having

Certain prosecutions to be before two or more Justices.

jurisdiction in the county or district in which the offence is committed.

Evidence to be taken in writing.

(2) The Justices shall in all cases reduce to writing the evidence of the witnesses examined before them, and shall read the same over to such witnesses, who shall sign the same. R. S. O. 1877, c. 181, s. 68.

All other prosecutions may be before one or more Justices.

97. All prosecutions under this Act, other than those mentioned in the preceding section whether for the recovery of a penalty or otherwise, may be brought and heard before any one or more of Her Majesty's Justices of the Peace in and for the county where the forfeiture took place, or the penalty was incurred, or the offence was committed or wrong done. R. S. O. 1877, c. 181, s. 69.

Prosecutions under resolutions of License Commissioners, imposing penalties.

98. In all cases where the board of license commissioners passes a resolution in pursuance of the powers conferred upon them by sections 4 and 5 of this Act, and in and by any such resolution, penalties are imposed for the infraction thereof, such penalties may be recovered and enforced by summary proceedings before any Justice of the Peace having jurisdiction, in the manner and to the extent that by-laws of municipal councils may be enforced under the authority of *The Municipal Act*; and the convictions in such proceedings may be in the form set forth in section 427 of the said last mentioned Act. R. S. O. 1877, c. 181, s. 70; 47 V. c. 34, s. 17.

Rev. Stat. c. 184.

One justice may hear cases in small number of cities.

99. When by this Act it is provided that any prosecution may take place before two or more of Her Majesty's Justices of the Peace, having jurisdiction in the county or district in which the offence is charged to have been committed, then in case an offence is committed in a township, or in an incorporated, or police village, or in an unorganized district, the prosecution may take place before, and a conviction or order may be made by, one or more of such Justices of the Peace, instead of "two or more" of such Justices, whenever an appeal lies against such conviction or order to the County Judge. When such prosecution takes place before or a conviction or order is made by one Justice instead of two or more, the forms in the schedule to this Act may be altered and adapted so as to meet the exigencies of the case. 49 V. c. 39, s. 20.

Costs in convictions or orders under ss. 65, 72-74, 76 and 78.

100. In all cases of conviction, or orders made under and in pursuance of sections 65, 72, 73, 74, 76 and 78 of this Act, the Justice or Justices making the same may, in his or their discretion, award and order, in and by the conviction or order, that the defendant shall pay to the prosecutor or complainant such costs as to the said Justice or Justices seem reasonable in that behalf, and not inconsistent with the fees established by law to be taken on proceedings had by and before Justices of the Peace. 48 V. c. 43, s. 7.

PROCEDURE IN CASES WHERE PREVIOUS CONVICTION CHARGED.

101. The proceedings upon any information for committing an offence against any of the provisions of this Act, in case of a previous conviction or convictions being charged, shall be as follows: Proceedings in cases where a previous conviction charged.

1. The Justices or Police Magistrate shall in the first instance inquire concerning such subsequent offence only, and if the accused be found guilty thereof, he shall then, and not before, be asked whether he was so previously convicted, as alleged in the information, and if he answers that he was so previously convicted, he may be sentenced accordingly; but if he denies that he was so previously convicted, or stands mute of malice, or does not answer directly to such question, the Justice or Police Magistrate shall then inquire concerning such previous conviction or convictions.

2. The number of such previous convictions shall be provable by the production of a certificate under the hand of the convicting Justices or Police Magistrate, or of the Clerk of the Peace, without proof of his signature or official character, or by other satisfactory evidence. Number of previous convictions, how proved.

3. A conviction may in any case be had as for a first offence notwithstanding that there may have been a prior conviction or convictions for the same or any other offence. Previous convictions need not be charged.

4. Convictions for several offences may be made under this Act, although such offences may have been committed on the same day; but the increased, penalty or punishment hereinbefore imposed shall only be recoverable in the case of offences committed on different days, and after information laid for a first offence. Offences on same day.

5. In the event of a conviction for any second or subsequent offence becoming void or defective, after the making thereof, by reason of any previous conviction being set aside, quashed, or otherwise rendered void, the Justices or Police Magistrate by whom such second or subsequent conviction was made, may by warrant under his or their hand summon the person convicted to appear at a time and place to be named in such warrant, and may thereupon, upon proof of the due service of such warrant, if such person fails to appear, or on his appearance, amend such second or subsequent conviction, and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed, and such amended conviction shall thereupon be held valid to all intents and purposes, as if it had been made in the first instance. In case of a second or subsequent conviction becoming irregular by quashing of a first or previous conviction, Justices or Police Magistrate may amend: And amended conviction valid.

6. In case any person who has been convicted of a contravention of any provision of any of the sections of this Act, numbered 49, 50, 51, 52 or 59, or any section for the contravention of which a penalty or punishment is prescribed by Second offence; meaning of

section 70, is afterwards convicted of an offence against any provision of any of the said sections, such conviction shall be deemed a conviction for a second offence, within the meaning of section 70, and may be dealt with and punished accordingly, although the two convictions may have been under different sections; and in case any such person is afterwards again convicted of a contravention of any provision of any of the said sections, whether similar or not to the previous offences, such conviction shall in like manner be deemed a conviction for a third offence, within the meaning of section 70, and may be dealt with and punished accordingly. R. S. O. 1877, c. 181, s. 73.

Third offence.

FORM OF INFORMATIONS AND OTHER PROCEEDINGS—
AMENDMENTS.

Description in
informations.

102. In describing offences respecting the sale or other disposal of liquor, or the keeping, or the consumption of liquor in any information, summons, conviction, warrant, or proceeding under this Act, it shall be sufficient to state the sale, disposal, keeping, or consumption of liquor simply, without stating the name or kind of such liquor, or the price thereof, or any person to whom it was sold or disposed of, or by whom it was consumed; and it shall not be necessary to state the quantity of liquor so sold, disposed of, kept, or consumed, except in the case of offences where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity. R. S. O. 1877, c. 181, s. 74.

Forms.

103. The forms given in the schedules to this Act, or any forms to the like effect, shall be sufficient in the cases thereby respectively provided for, and where no forms are prescribed by the schedules new ones may be framed according to those appended to the Act of Canada entitled *An Act respecting Summary Proceedings before Justices of the Peace*, or *The Act respecting the Procedure on Appeals to the Judge of the County Court from Summary Convictions*, or any Acts amending the same respectively—such forms being made short and concise in the mode indicated in the schedules to this Act which shall serve as guides so far as the particular case will allow. R. S. O. 1877, c. 181, s. 75.

R. S. C. c. 178.

Rev.Stat.c.74.

Amending
information.

104. At any time before judgment, the Justice, Justices, or Police Magistrate may amend or alter any information, and may substitute for the offence charged therein any other offence against the provisions of this Act; but if it appears that the defendant has been prejudiced by such amendment, the said Justice, Justices or Police Magistrate shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment. 41 V. c. 14, s. 9.

105.—(1) No conviction or warrant enforcing the same or other process or proceeding under this Act shall be held insufficient or invalid by reason of any variance between the information or conviction, or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process or proceeding that the same was made for an offence against some provision of this Act, within the jurisdiction of the Justice, Justices or Police Magistrate who made or signed the same, and provided there is evidence to prove such offence, and no greater penalty or punishment is imposed than is authorized by this Act. R. S. O. 1877, c. 181, s. 77 (1); 44 V. c. 27, s. 7. Conviction not void for certain defects;

(2) Upon any application to quash such conviction, or warrant enforcing the same, or other process or proceeding whether in appeal or upon *habeas corpus*, or by way of *certiorari* or otherwise, the Court or Judge to which such appeal is made or to which such application has been made upon *habeas corpus* or by way of *certiorari* or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance or defect as aforesaid, and in all cases where it appears that the merits have been tried, and that the conviction, warrant, process or proceeding is sufficient and valid under this section or otherwise, such conviction, warrant, process or proceeding shall be affirmed, or shall not be quashed (as the case may be), and such Court or Judge may, in any case, amend the same if necessary, and any conviction, warrant, process or proceeding so affirmed or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded. R. S. O. 1877, c. 181, s. 77 (2). May be amended.

EVIDENCE ETC.

106. In any prosecution or proceeding under this Act, in which proof is required respecting any license, a certificate under the hand of the inspector of the license district shall be *prima facie* proof of the existence of a license, and of the person to whom the same was granted or transferred; and the production of such certificate shall be sufficient *prima facie* evidence of the facts therein stated and of the authority of the inspector, without any proof of his appointment or signature. R. S. O. 1877, c. 181, s. 78. License, how proved.

107. Any resolution of the board of license commissioners passed under sections 4 and 5 of this Act, shall be sufficiently authenticated by being signed by the chairman of the board which passed the same; and a copy of any such resolution written or printed, and certified to be a true copy by any member of such board, shall be deemed authentic, and be received in evidence in any Court of Justice without proof of any such How each regulation authenticated, etc.

signature, unless it is specially pleaded or alleged that the signature to any such original resolution has been forged. R. S. O. 1877, c. 181, s. 79.

Places in which the sale of liquors is presumed.

108. Any house, shop, room or other place in which are proved to exist a bar, counter, beer pumps, kegs, jars, decanters, tumblers, glasses or any other appliances or preparations similar to those usually found in taverns and shops where spirituous or fermented liquors are accustomed to be sold or trafficked in shall be deemed to be a place in which spirituous, fermented or other manufactured liquors are kept or had for the purpose of being sold, bartered or traded in, under section 50 of this Act, unless the contrary is proved by the defendant in any prosecution: and the occupant of such house, shop, room or other place shall be taken conclusively to be the person who has, or keeps therein, such liquors for sale, barter or traffic therein. R. S. O. 1877, c. 181, s. 80.

Presumption as to occupant.

Evidence as to sale, etc., of liquor.

109. In proving the sale or disposal, gratuitous or otherwise, or consumption of liquor for the purpose of any proceeding relative to any offence under this Act, it shall not be necessary to shew that any money actually passed, or any liquor was actually consumed, if the Justices, Police Magistrate or Court hearing the case is or are satisfied that a transaction in the nature of a sale or other disposal actually took place, or that any consumption of liquor was about to take place: and proof of consumption or intended consumption of liquor on premises under license or in respect to which a license is required under this Act, by some person other than the occupier of said premises, shall be evidence that such liquor was sold to the person consuming or being about to consume or carrying away the same, as against the holder of the license or the occupant of the said premises. R. S. O. 1877, c. 181, s. 81.

Light in bar *prima facie* evidence of sale.

110. In cities, towns and incorporated villages in all cases where gas or other light is seen burning in the bar-room of such tavern or saloon where liquor is trafficked in, at any time during which the sale or other disposal of liquors is prohibited by any provision of this Act, any such fact when proved, shall be deemed and taken as *prima facie* evidence that a sale or other disposal of liquor by the keeper of such tavern or other place has taken place contrary to the provisions of sub-section 1 of section 54, and such keeper may thereupon be convicted of an offence against said section, and shall, upon such conviction, be subject to the punishment prescribed by sections 85 and 86 of this Act. 49 V. c. 39, s. 10.

What shall be deemed evidence of unlawful sale.

111. The fact of any person, not being a licensed person, keeping up any sign, writing, painting or other mark, in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or

are licensed for the sale of any liquor, or that liquor is sold or served therein, or that there is on such premises more liquor than is reasonably required for the persons residing therein, shall be deemed *prima facie* evidence of the unlawful sale of liquor by such person. 47 V. c. 34, s. 33.

112.—(1) The occupant of any house, shop, room or other place in which any sale, barter or traffic of spirituous, fermented or manufactured liquors, or any matter, act or thing in contravention of any of the provisions of this Act, has taken place, shall be personally liable to the penalty and punishments prescribed in sections 70 and 71 of this Act, as the case may be, notwithstanding such sale, barter or traffic be made by some other person, who cannot be proved to have so acted under or by the directions of such occupant, and proof of the fact of such sale, barter or traffic, or other act, matter or thing, by any person in the employ of such occupant, or who is suffered to be or remain in or upon the premises of such occupant, or to act in any way for such occupant, shall be conclusive evidence that such sale, barter or traffic, or other act, matter or thing, took place with the authority and by the direction of such occupant. R. S. O. 1877, c. 181, s. 83.

Liability of occupant.

(2) The person actually selling, or otherwise contravening any of the provisions of this Act, as in this section mentioned, is for the purposes hereof styled "the actual offender," whether acting on behalf of himself or of another or others, and the actual offender, as well as the occupant, shall be personally liable to the penalties and punishments prescribed by sections 70 and 71 of this Act, and at the prosecutor's option the actual offender may be prosecuted jointly with, or separately from, the occupant, but both of them shall not be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other of them therefor. 44 V. c. 27, s. 8.

Person selling as well as occupant to be liable.

113. In any prosecution under this Act for the sale or other disposal of liquor without the license required by law, it shall not be necessary that any witness should depose directly to the precise description of the liquor sold or bartered or the precise consideration therefor, or to the fact of the sale or other disposal having taken place with his participation or to his own personal and certain knowledge, but the Justices or Police Magistrate trying the case, so soon as it appears to them or him that the circumstances in evidence sufficiently establish the infraction of law complained of, shall put the defendant on his defence, and in default of his rebuttal of such evidence, shall convict him accordingly. R. S. O. 1877, c. 181, s. 84.

In prosecutions for sale without license certain presumptions sufficient to put defendant on his defence, and convict him in default of rebuttal.

114.—(1) In any prosecution under this Act, whenever it appears that the defendant has done any act or been guilty of any omission in respect of which, were he not duly licensed, he would be liable to some penalty under this Act, it shall be in-

Proof of being licensed to rest on the defendant.

cumbent upon the defendant to prove that he is duly licensed, and that he did the said act lawfully.

Evidence of
license.

(2) The production of a license which on its face purports to be duly issued, and which, were it duly issued, would be a lawful authority to the defendant for such act or omission, shall be *prima facie* evidence that the defendant is so entitled, and in all cases the signature to and upon any instrument purporting to be a valid license shall *prima facie* be taken to be genuine. R. S. O. 1877, c. 181, s. 85.

Witnesses.

Witnesses
summoned
and not ap-
pearing, may
be brought up
by warrant.

115. In any prosecution under this Act the Justice, Justices' or Police Magistrate trying the case may summon any person represented to him or them as a material witness in relation thereto; and if such person refuses or neglects to attend pursuant to such summons, the Justice, Justices, or Police Magistrate may issue his or their warrant for the arrest of such person; and he shall thereupon be brought before the Justice, Justices, or Police Magistrate, and if he refuses to be sworn or to affirm, or to answer any question touching the case, he may be committed to the common gaol of the county, there to remain until he consents to be sworn or to affirm and to answer. R. S. O. 1877, c. 181, s. 86.

Production of
books, etc.,
may be
ordered.

116. Any person summoned as a party to, or as a witness in any proceeding under this Act, may, by the summons, be required to produce, at the time and place appointed for his attendance, all books and papers, accounts, deeds and other documents in his possession, custody or control, relating to any matter connected with the said proceeding, saving all just exceptions to such production; and shall be liable to the same penalties for non-production of such books, papers or documents, as he would incur by refusal or neglect to attend, pursuant to such summons, or to be sworn or to answer any question touching the case. R. S. O. 1877, c. 181, s. 87.

Inspector's
expenses to be
allowed for
attending
court.
27-28 V. c. 18;
R. S. C. c. 106.

117.—(1) In any prosecution under this Act, or *The Temperance Act of 1864*, or the second part of *The Canada Temperance Act*, if the inspector attends the Court as prosecutor or witness and travels to attend such Court a distance of more than three miles from his place of residence, it shall be lawful for the Justice or Justices trying the case to tax against the defendant, in cases of conviction, as costs in the cause to cover railway fare or hire of conveyance of the inspector in attending the said prosecution as follows:

Railway or
stage fare.

1. In case he travels by railway or stage the fares actually required to be paid by him;

Hired
conveyance.

2. If by a hired conveyance, the sums actually required to be paid for a horse, conveyance, and tolls:

3. If in his own conveyance, ten cents per mile one way ; His own conveyance.
4. And to cover all other expenses \$1 per day ; Other expenses.
5. In cases of adjournment at the instance of the defendant, Adjournments. similar additional allowances to be made, when the inspector is actually in attendance.
- (2) The mileage or other expenses shall be verified by the oath of the inspector. Expenses verified by oath.
- (3) The inspector shall make quarterly returns in detail under oath to the department of the Provincial Secretary, of all sums received by him for mileage, and other expenses, in this section provided for. Inspector to make quarterly returns. 47 V. c. 34, s. 20.

APPEALS.

118.—(1) In all cases of prosecution for any offence against any provisions of this Act for which any penalty or punishment is prescribed, a conviction or order of the said Justices or Police Magistrate, as the case may be, except as hereinafter mentioned, shall be final and conclusive, and except as hereinafter mentioned, against such conviction or order there shall be no appeal. Conviction of justices final except as otherwise provided.

(2) An appeal shall lie from a conviction to the Judge of the County Court of the county in which the conviction is made, sitting in chambers, without a jury, provided a notice of such appeal is given to the prosecutor or complainant within five days after the date of the said conviction, subject to the following provisions. Procedure on appeals.

(3) The person convicted, in case he is in custody, shall either remain in custody until the hearing of such appeal before the said Judge, or (where the penalty of imprisonment with or without hard labour is adjudged) shall enter into a recognizance with two sufficient sureties, in the sum of \$200 each, before the convicting Justices or Police Magistrate, conditioned personally to appear before the said Judge, and to try such appeal and abide his judgment thereupon, and to pay such costs as he may order, and in case the appeal is against a conviction whereby only a penalty or sum of money is adjudged to be paid, the appellant may (although the order directs imprisonment in default of payment) instead of remaining in custody as aforesaid, give such recognizance as aforesaid, or may deposit, with the said Justices or Police Magistrate convicting, the amount of the penalty and costs, and a further sum of \$25 to answer the respondent's cost of appeal. Appellant to enter into a recognizance, or deposit amount of penalty and costs.

(4) Upon such recognizance being given or deposit made, the said Justices or Police Magistrate shall liberate such person, if in custody, and shall forthwith deliver or transmit by registered letter post-paid, the depositions and papers in the case, with the recognizance or deposit, as the case may be, to the clerk of the County Court of the county wherein such conviction was had. Justices to transmit depositions to Clerk of County Court.

Clerk's fees.

(5) The appellant shall pay to the clerk of the County Court, for his attendance and services in connection with such appeal, the sum of \$1, and the same may be taxed as costs in the cause.

Rev. Stat. c. 75, to apply.

(6) The practice and procedure upon such appeal, and all the proceedings thereon, shall thenceforth be governed by *The Act respecting the Procedure on Appeals to the Judge of a County Court from Summary Convictions*, so far as the same is not inconsistent with this Act. 47 V. c. 34, s. 18.

Appeal to Court of Appeal.

119. An appeal by the inspector, or other prosecutor, shall lie to the Court of Appeal from the decision, judgment, or order of any Judge of a County Court upon an appeal from any conviction or order made in a case arising out of or under this Act in which a conviction or order has been quashed, or set aside, upon the ground, directly or indirectly, of the invalidity of any Act or Acts of the Legislature of this Province, or of any part thereof, or from the decision, judgment or order of the Judge of a County Court in any other case arising out of or under this Act in which the Attorney-General of the Province shall certify that he is of opinion that the matters in dispute are of sufficient importance to justify an appeal; such appeal shall be had upon notice thereof to be given to the opposite party of the intention to appeal within eight days, or where the certificate of the Attorney-General is necessary and is obtained, within fifteen days after such judgment, decision or order shall have been made, and, in the case of such appeal, the clerk of the County Court shall certify the judgment, conviction, orders and all other proceedings, to the registrar of the Court of Appeal, Toronto, for use upon the appeal. The said Court shall thereupon hear and determine the said appeal, and shall make such order for carrying into effect the judgment of the Court as the Court shall think fit. 47 V. c. 34, s. 19.

Costs on appeal from conviction.
27-28 V. c. 18;
R. S. C. c. 106.

120. On an appeal to the County Judge or General Sessions from a conviction or order under this Act or under *The Temperance Act of 1864*, or *The Canada Temperance Act*, when costs are directed to be paid by either party, no greater costs shall be taxable by or against either party as between party and party than the sum of \$10, and the actual and necessary disbursements in procuring the attendance of witnesses and the fees to which the clerk of the peace shall be lawfully entitled; the fees chargeable by the clerk of the peace upon any appeal under this Act, shall not exceed the sum of \$2. 41 V. c. 14, s. 8; 44 V. c. 27, s. 12; 50 V. c. 33, s. 6.

Appeal allowed in certain cases.

121. An appeal to the Court of Appeal shall lie from any judgment or decision of the High Court or a Judge thereof, upon any application to quash a conviction made under this Act, or to discharge a prisoner who is held in custody under any such conviction, whether such conviction is quashed or the prisoner discharged, or the application is refused;

but no such appeal shall lie from the judgment of a single Judge, or from the judgment of the Court, if the Court is unanimous, unless in either case the Attorney-General for Ontario shall certify that he is of opinion that the point in dispute is of sufficient importance to justify the case being appealed; upon such certificate being produced to the clerk of the Court in which the judgment or decision proposed to be appealed from has been given, the said clerk shall certify, under the seal of the Court the proceedings returned to or had before or in the said Court, unto the Court of Appeal, and the said Court shall thereupon hear and determine the said appeal, without any formal pleadings, and shall give such order for carrying into effect the judgment of the said Court as the circumstances of the case may require. 44 V. c. 27, s. 17.

CIVIL REMEDIES AGAINST TAVERN KEEPERS, ETC.

122. Where in any inn, tavern, or other house or place of public entertainment wherein refreshments are sold, or in any place wherein intoxicating liquor of any kind is sold, whether legally or illegally, any person has drunk to excess of intoxicating liquor of any kind, therein furnished to him, and while in a state of intoxication from such drinking has come to his death by suicide, or drowning, or perishing from cold or other accident caused by such intoxication, the keeper of such inn, tavern, or other house or place of public entertainment, or wherein refreshments are sold, or of such place wherein intoxicating liquor is sold, and also any other person or persons who for him or in his employ delivered to such person the liquor whereby such intoxication was caused, shall be jointly and severally liable to an action as for personal wrong, (if brought within three months thereafter, but not otherwise,) by the legal representatives of the deceased person; and such legal representatives may bring either a joint and several action against them or a separate action against either or any of them, and by such action or actions, may recover such sum not less than \$100 nor more than \$1,000, in the aggregate, of any such actions, as may therein be assessed by the Court or jury as damages. R. S. O. 1877. c. 181, s. 88.

Liability of innkeepers or persons in their employ, etc., who give liquor to persons who become intoxicated.

RESTRICTION ON SALE TO INEBRIATES.

123. If a person in a state of intoxication assaults any person, or injures any property, the person who furnished him with the liquor which occasioned his intoxication,—if such furnishing was in violation of this Act, or otherwise in violation of law,—shall be jointly and severally liable to the same action by the party injured as the person intoxicated may be liable to; and such party injured, or his legal representatives, may bring either a joint and several action against the person intoxicated and the person or persons who furnished such liquor, or a separate action against either or any of them. R. S. O. 1877, c. 181, s. 89.

Persons who furnish the liquor liable for assault committed by a person thereby intoxicated.

Power of Justices to forbid sale of liquor to habitual drunkards.

124.—(1) When it shall be made to appear in open Court sitting in the county in which he resides, that any person, summoned before such Court, by excessive drinking of liquor, mispends, wastes or lessens his estate, or greatly injures his health, or endangers or interrupts the peace and happiness of his family, the Police Magistrate or Justices holding such Court, shall, by writing under the hand of such Police Magistrate, or under the hands of two of such Justices, forbid any licensed person to sell to him any liquor for the space of one year, and such Police Magistrate, Justices, or any other two Justices, of the county in which the said person resides, may, at the same or any other time, in like manner, forbid the selling of any such liquor to the said person by any licensed person of any other city, town or district, to which he resorts or may be likely to resort for the same.

Effect of such prohibition.

(2) Whenever the sale of liquor to any such drunkard shall have been so prohibited, if any other person, with a knowledge of such prohibition, gives, sells, purchases or procures for or on behalf of such prohibited person, or for his or her use, any liquor, such other person shall, upon conviction, incur for every such offence, a penalty of not less than \$10 and not exceeding \$20.

Penalty for violation of this section.

(3) Any person so prohibited or notified, his servants or agents, who shall violate this section, shall for a first offence be liable to a penalty not exceeding \$20, and for a second, and any subsequent offence, shall be liable to a penalty of not less than \$20 and not exceeding \$50.

Application to set aside prohibition or notice.

(4) The person in respect of whom any such notice shall be given, may, at any time while the same is in force, apply to the Judge of the County Court, of the county in which he resides, after having given seven days' notice of his intention so to do to the Police Magistrate or Justices who signed the said prohibition, or notice, and the County Crown Attorney for the county in which such person resides, to set aside such prohibition or notice. The Judge may, upon hearing the said party and any witnesses, either *viva voce* or upon affidavit, set aside the said prohibition or notice, or dismiss the said application, as in his discretion may seem best: Provided, nevertheless, that before any such prohibition or notice shall be set aside by the Judge, it shall be made to appear that the wife or husband (if married and residing with such wife or husband), as the case may be, of the person applying, has knowledge of such application and consents thereto. **47 V. c. 34, s. 21.**

Judge may set aside prohibition or notice, or dismiss application.

Husband, wife, etc., may notify sellers of liquor not to furnish it to any person addicted to drinking.

125. The husband, wife, parent, child of twenty-one years or upwards, brother, sister, master, guardian or employer, of any person who has the habit of drinking intoxicating liquor to excess—or the parent, brother or sister, of the husband or wife of such person—or the guardian of any child or children of such person—may give notice in writing, signed by him or

her, or may require the inspector to give notice to any person licensed to sell, or who sells or is reputed to sell, intoxicating liquor of any kind, not to deliver intoxicating liquor to the person having such habit; and if the person so notified, at any time within twelve months after such notice, either himself, or by his clerk, servant or agent, otherwise than in terms of a special requisition for medicinal purposes, signed by a licensed medical practitioner, delivers, or in or from any building, booth or place occupied by him, and wherein or wherefrom any such liquor is sold, suffers to be delivered, any such liquor to the person having such habit, he shall incur upon conviction a penalty not exceeding \$50, and the person requiring the notice to be given may, in an action as for personal wrong (if brought within six months thereafter, but not otherwise) recover from the person notified such sum, not less than \$20 nor more than \$500, as may be assessed by the Court or jury as damages; and any married woman may bring such action in her own name, without authorization by her husband: and all damages recovered by her shall in that case go to her separate use: and in case of the death of either party, the action and right of action given by this section shall survive to or against his legal representatives, but the defendant shall not be liable for both penalties for the same offence. 47 V. c. 34, s. 22.

Married woman may bring action for damages.

PAYMENT FOR LIQUOR ILLEGALLY SOLD NOT RECOVERABLE.

126. Any payment or compensation for liquor furnished in contravention of this Act, or otherwise in violation of law, whether made in money or securities for money, or in labour or property of any kind, shall be held to have been received without any consideration, and against justice and good conscience—and the amount or value thereof may be recovered from the receiver by the party who made the same; and all sales, transfers, conveyances, liens and securities of every kind, in whole or part, made, granted or given, for or on account of liquor so furnished in contravention of this Act, or otherwise in violation of law, shall be wholly null and void, save only as regards subsequent purchasers or assignees for value, without notice; and no action of any kind shall be maintained, either in whole or in part, for or on account of any liquor so furnished in contravention of this Act, or otherwise in violation of law. R. S. O. 1877, c. 181, s. 91.

Money paid for liquor sold contrary to this Act may not be recovered.

Securities, etc. for payment to be void.

OFFICERS TO ENFORCE THE LAW, THEIR DUTIES AND POWERS.

127.—(1) The Lieutenant-Governor may appoint one or more Provincial officers whose duty it shall be to enforce the provisions of this Act, and especially those for the prevention of traffic in liquor by unlicensed houses. R. S. O. 1877, c. 181, s. 92.

Lieutenant-Governor may appoint officers to enforce this Act.

Provincial In-
spector may
be appointed.

(2) One of such officers may be designated "Provincial In-
spector," and it shall be his duty—

- (a) To make a personal inspection of each license district;
- (b) To see that the books of each inspector of licenses are properly kept, and that all entries are properly made; and to examine into his accounts and into his mode of inspection, and to ascertain that the duties of the office are faithfully and efficiently performed;
- (c) To hold investigations into the conduct of inspectors of licenses and license commissioners when required so to do by the head of the Department;
- (d) To report upon all such matters as expeditiously as may be to the Lieutenant-Governor for his information and decision;
- (e) When the said provincial inspector shall inquire or cause an inquiry to be made into the conduct of any inspector of licenses, or into the manner in which the law is enforced by the inspector of licenses, or into the accounts of the inspector of licenses, it shall be lawful for him to require that the evidence shall be given under oath, which oath he is hereby empowered to administer. He shall also have power to summon witnesses, and to enforce their attendance and to compel the production of books and documents, in the same manner and to the same extent as the inspector of Division Courts. 49 V. c. 39, s. 6.

Appointment
of officers by
License Com-
missioners.

128. The license commissioners, with the sanction of the Lieutenant-Governor in Council, may appoint one or more officers to enforce the provisions of this Act, and especially those for the prevention of traffic in liquor by unlicensed houses, and shall fix the security to be given by such officers for the efficient discharge of the duties of their office, and every such officer shall, within the license district for which he is appointed, possess and discharge all the powers and duties of Provincial officers appointed under the next preceding section other than those of the Provincial Inspector. R. S. O. 1877, c. 181, s. 93.

Officers within
this Act.

129. Every officer so appointed under this Act, every policeman, or constable, or inspector, shall be deemed to be within the provisions of this Act; and when any information is given to any such officer, policeman, constable or inspector that there is cause to suspect that some person is violating any of the provisions of this Act, it shall be his duty to make diligent inquiry into the truth of such information, and enter complaint of such violation before the proper Court, without communicating the name of the person giving such information: and it shall be the duty of the Crown Attorney, within the

Duties of
officers and
County
Attorneys on
receiving in-
formation of
infringement
of this Act.

county in which the offence is committed, to attend to the prosecution of all cases committed to him by an inspector or officer appointed under this Act by the Lieutenant-Governor. R. S. O. 1877, c. 181, s. 94.

130.—(1) Any officer, policeman, constable, or inspector may, for the purpose of preventing or detecting the violation of any of the provisions of this Act which it is his duty to enforce, at any time enter into any and every part of any inn, tavern, or other house or place of public entertainment, shop, warehouse or other place wherein refreshments or liquors are sold, or reputed to be sold, whether under license or not, and may make searches in every part thereof, and of the premises connected therewith, as he may think necessary for the purpose aforesaid. Right of search.

(2) Every person being therein, or having charge thereof, who refuses or fails to admit such officer, policeman, or constable, or inspector demanding to enter in pursuance of this section in the execution of his duty, or who obstructs or attempts to obstruct the entry of such officer, policeman, constable, or inspector, or any such searches as aforesaid, shall be liable to the penalties and punishments prescribed by section 70 of this Act. R. S. O. 1877, c. 181, s. 95. Penalty for refusing to admit officer.

131. Any Justice of the Peace, upon information by any such officer, policeman, constable or inspector that there is reasonable ground for belief that any spirituous or fermented liquor is being kept for sale, or disposal contrary to the provisions of this Act in any unlicensed house or place within the jurisdiction of such Justice, may grant a warrant under his hand, by virtue whereof it shall be lawful for the person named in such warrant at any time or times within ten days from the date thereof to enter, and, if need be, by force, the place named in the warrant, and every part thereof, or of the premises connected therewith, and examine the same and search for liquor therein; and for this purpose may, with such assistance as he deems expedient, break open any door, lock, or fastening of such premises, or any part thereof, or of any closet, cupboard, box or other article likely to contain any such liquor; and in the event of any liquor being so found unlawfully kept on the said premises, the occupant thereof shall, until the contrary is proved, be deemed to have kept such liquor for the purpose of sale contrary to the provisions of section 50 of this Act. R. S. O. 1877, c. 181, s. 96; 49 V. c. 39, s. 7. Search warrant may be granted.

132. When any inspector, policeman, constable or officer in making or attempting to make any search under or in pursuance of the authority conferred by the preceding two sections of this Act or under the warrant mentioned in the last preceding section, finds in an unlicensed house or place any spirituous or fermented liquor which in his opinion is unlawfully kept for sale or disposal contrary to this Unlawful keeping of liquor to be evidence of illegal dealing therein.

Seizure of liquor found on unlicensed premises.

Act, he may forthwith seize and remove the same, and the vessels in which the same is kept, and upon the conviction of the occupant of such house or place, or of any other person, for keeping spirituous or fermented liquor for sale in such house or place without license, the Justices making such conviction, may in and by the said conviction, or by a separate or subsequent order, declare the said liquor and vessels or any part thereof, to be forfeited to Her Majesty, and may order and direct that the said inspector, policeman, constable or officer shall destroy the same or any part thereof, and the inspector or other person as aforesaid shall thereupon forthwith destroy the same or part thereof as directed by such conviction or order. 44 V. c. 27, s. 9.

If no conviction, liquor shall be returned.

Rev. Stat. c. 73.)

133. If the occupant or other person as aforesaid be not convicted of keeping the said liquor or any part thereof for sale as aforesaid, the inspector or other person so seizing the liquor as aforesaid, shall return the same to the place where such seizure was made: the inspector, or other person acting with him, or by or under his directions, and the policeman, constable or other officer acting under this Act shall be a public officer within the meaning of *The Act to protect Justices of the Peace and others from vexatious actions*, for the purposes of this Act. 44 V. c. 27, s. 10.

Duty of constables and others to prosecute offenders.

Penalty for neglect.

134.—(1) It shall be the duty of every officer, policeman, constable or inspector in each municipality, to see that the several provisions of this Act are duly observed, and to proceed by information and otherwise prosecute for the punishment of any offence against the provisions of this Act; and in case of wilful neglect or default in so doing in any case, such officer, policeman, constable or inspector shall incur a penalty of \$10 for each and every such neglect and default. R. S. O. 1877, c. 181, s. 97.

Commissioners of police and chief of police to enforce this section.

(2) It shall be the duty of the board of commissioners of police, and of the chief of police, to enforce the provisions of this section, and any officer or policeman convicted of violating the provisions thereof may be summarily dismissed. 44 V. c. 27, s. 25.

UNORGANIZED DISTRICTS.

This Act to apply to the territorial and unorganized districts.

135. Subject to the provisions hereinafter contained, the preceding provisions of this Act shall apply to all portions of Judicial, Territorial and other Unorganized Districts of this Province; and in any prosecution or proceeding thereunder the Stipendiary Magistrate in any such district shall possess and exercise all the powers and jurisdictions of the Police Magistrate, or other convicting Justice or Justices of the Peace under this Act; and the lock-up of such district shall be deemed to be a gaol for the purpose of imprisonment under this Act; and any money penalty imposed and recovered shall, where

the inspector is not the prosecutor, or the offence was not committed within any municipality, be paid to the Treasurer of Ontario; and the provisions of this Act applicable to township municipalities shall apply to all municipalities organized under *The Act respecting the Establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing, Thunder Bay and Rainy River.* R. S. O. 1877, c. 181, s. 98. Rev. Stat. c. 185.

136. The Lieutenant-Governor in Council may declare any portion of a Judicial or Territorial District which is not within the jurisdiction of a municipal county, a license district, for the purposes of this Act, and the Lieutenant-Governor may appoint therefor a board of license commissioners and one or more inspectors. R. S. O. 1877, c. 181, s. 99. License districts in Judicial or Territorial Districts.

137. In any license district so formed an appeal shall lie from any decision of the Stipendiary Magistrate in any prosecution or proceeding under this Act, to the Judge of such district, or to any County Judge to whom an appeal lies in other matters in such district. R. S. O. 1877, c. 181, s. 100. Appeal from Stipendiary Magistrates.

138.—(1) In such portions of Judicial or Territorial Districts as are not within the jurisdiction of any municipal county, and have not been included in any license district, under the provisions of section 136, the Lieutenant-Governor may appoint one or more persons as license commissioners and inspectors respectively for the granting of such number of tavern and shop licenses to such persons, for such places and periods, and upon such conditions as may be prescribed by Order in Council, such licenses to take effect from the 1st day of June in each year. Appointment of Commissioners, etc., in districts not within the jurisdiction of municipal councils or a license district.

(2) For any such tavern or shop license, the duty payable shall be the sum of \$60. R. S. O. 1877, c. 181, s. 101. Duties payable.

139. The licenses to be issued for the sale of spirituous, fermented or other manufactured liquors, in any place not within a license district, may be issued on such conditions and under such regulations as the Lieutenant-Governor in Council from time to time directs, subject to the provisions of this Act; and any bond which the Lieutenant-Governor in Council may direct to be taken from any person obtaining a license under this Act for any such place, conditioned for the observance of the law and of all regulations to be made under this section, shall be valid, and may be enforced according to its tenor. R. S. O. 1877, c. 181, s. 102. Issue of licenses for places not within license district.

140. Any municipal corporation within any Judicial or Territorial District shall have the like authority in respect of taverns and shops therein, and the licenses therefor, as the like corporations in municipal counties possess under the provisions of this Act. R. S. O. 1877, c. 181, s. 103. Powers of municipal corporations.

MUNICIPALITIES UNDER THE TEMPERANCE ACTS.

27 s. V. c. 18,
and R. S. C.
c. 106, not
affected by
this Act.

141. Nothing in the foregoing provisions of this Act shall be construed to affect or impair any of the provisions of *The Temperance Act of 1864* of the late Province of Canada, or the second part of *The Canada Temperance Act*, and no tavern or shop license shall be issued or take effect within any county, city, town, incorporated village, or township in Ontario within which any by-law for prohibiting the sale of liquor under the said Act is in force. R. S. O. 1877, c. 181, s. 104; 44 V. c. 27, s. 13.

Commission-
ers and inspec-
tors may be
appointed
where said
Acts in force.

142. The Lieutenant-Governor in Council may, notwithstanding that any such by-law affects the whole of any county, nominate a board of license commissioners of the number, and for the period mentioned in section 3 of this Act, and also an inspector; and the said board and inspector shall have, discharge and exercise all such powers and duties respectively for preventing the sale, traffic or disposal of liquor contrary to the said Acts or this Act as they respectively have or should perform under this Act. R. S. O. 1877, c. 181, s. 105.

Duties in
such case.

27 s. V. c. 18;
R. S. C. c. 106.

143. The board of license commissioners and the inspector so appointed under this Act shall exercise and discharge all their respective powers and duties for the enforcement of the provisions of *The Temperance Act of 1864*, and the second part of *The Canada Temperance Act*, as well as of this Act, so far as the same apply, within the limits of any county, city, incorporated village or township in which any by-law under the said Acts is in force. R. S. O. 1877, c. 181, s. 106; 44 V. c. 27, s. 13.

Wholesale
licenses.
27 s. V. c. 18;
R. S. C. c. 106.

144. A wholesale license, to be obtained under and subject to the provisions of this Act, shall be necessary, in order to authorize or make lawful any sale of liquor in the quantities allowed under the provisions of *The Temperance Act of 1864* and the second part of *The Canada Temperance Act*. R. S. O. 1877, c. 181, s. 107; 44 V. c. 27, s. 13.

Application of
ss. 127, 128,
and 141-144.

145. All the provisions of sections 127, 128, 141, 142, 143, and 144 of this Act shall be applicable to municipalities in which the second part of *The Canada Temperance Act* is in force. 44 V. c. 27, s. 13; 47 V. c. 34, s. 34.

Municipal
councils may
and in enforce-
ing the Canada
Temperance
Act.

146.—(1) The council of any county, city, town, township or village in which the second part of *The Canada Temperance Act* is in force, may, from time to time, set apart any sum or sums of money for the purpose of paying any officer or officers, person or persons, for enforcing, or assisting to enforce *The Canada Temperance Act* within their respective jurisdictions, and for the payment of any costs or expenses

incurred in and about enforcing, or attempting to enforce the same; and such councils are hereby authorized and empowered to appoint one or more officers or persons to enforce, or assist in enforcing, the provisions of the said Act, and to pass by-laws for the government and control of such officers or persons, and defining their duties and mode and amount of payment. 44 V. c. 27, s. 14.

(2) Where the second part of *The Canada Temperance Act* is in force, and when the council has been called upon to pay a proportion of the expenses of its enforcement, the inspector shall, at the close of each year, send to the council a statement in detail of the receipts and expenses of the year. 50 V. c. 33, s. 7. Statements of receipts and expenses.

147. The sale of liquor without license in any municipality where *The Temperance Act of 1864*, is in force shall nevertheless be a contravention of sections 49 and 50 of this Act, and the several provisions of this Act shall have full force and effect in every such municipality except in so far as such provisions relate to granting licenses for the sale of liquor by retail. R. S. O. 1877, c. 181, s. 108. Prosecutions where Temperance Acts in force.

148.—(1) All expenses of carrying into effect such of the provisions of this Act as may be in force in municipalities where a by-law prohibiting the sale of intoxicating liquors under *The Temperance Act of 1864*, or where the second part of *The Canada Temperance Act* is in force, shall, when the license fund is insufficient for that purpose, be borne and paid in the proportion of one-third by the Province out of the consolidated revenue fund, and two-thirds by the county within which any by-law for prohibiting the sale of liquor under *The Temperance Act of 1864*, or within which the second part of *The Canada Temperance Act*, is in force; and where the by-law is that of a minor municipality, such minor municipality's share of the entire expenses shall be paid in the same proportion by the Province and the minor municipality respectively, as when the by-law is that of a county, whether the license fund is sufficient or otherwise. 41 V. c. 14, s. 6 (1); 44 V. c. 27, s. 11. Expense of enforcing this Act in municipalities under the Temperance Acts, how borne.

(2) The proportion of such expenses payable under this section by a county, or by a minor municipality, or by the Province, shall be by them paid into the bank in which the license fund is kept to the credit of the license fund for the license district, and shall become due and payable within one month after an estimate of the amount of the expenses for the current license year shall be made by the board of license commissioners for the license district, and shall be approved by the Provincial Secretary, which approval shall be final and conclusive; and after a copy or duplicate of such estimate and approval together with a notice in writing by the board of license commissioners, requesting payment of the propor- Proportion payable by the Province or Municipality, how and when to be paid.

tion payable by the municipality shall be served upon the clerk of the county, or minor municipality; and should any estimate prove insufficient for the payment of the expenses of the license year any deficiency may be provided for in the estimate for the succeeding year; and should any sums remain unexpended in any year, the same may be applied on account of the expenses of the succeeding year.

Payment of proportion, how enforced.

(3) Payment may be enforced against any county, or minor municipality by the board of license commissioners in any Court of competent jurisdiction in the name and by the title of "The Board of License Commissioners for the License District of _____," and it shall not be necessary to mention or include the names of the license commissioners in the proceedings; and the said action or proceedings may be carried on in the name of such board as fully and effectually as though such board were incorporated under the aforesaid name or title. In the event of the death or resignation of any of the license commissioners, or of the expiry of their commission and of the re-appointment of the same, or of the appointment of other license commissioners, the proceedings, or action, shall not cease, abate or determine, but shall proceed as though no change had been made in the commission or license commissioners, and in the event of said board being condemned in costs, the same may be payable out of the license fund. 41 V. c. 14, s. 6 (2-3); 48 V. c. 43, s. 8, *part*.

Minor Municipality, meaning of.

(4) The words "Minor Municipality" in this section shall be held to mean any municipality, other than a county or union of counties. 41 V. c. 14, s. 11.

Expenses of enforcing C. T. Act in cities.

(5) In cities which are separate license districts in which the second part of *The Canada Temperance Act* is in force the expenses of enforcing or carrying into effect the provisions of the said Act shall be borne in the same proportion by the city and the Province respectively as in the case of counties in which the said second part of the said Act is in force and the proportion of the city shall be estimated and ascertained, and become due and payable, and payment may be enforced against the city in the same manner or under like circumstances as are provided in the case of county municipalities and all of the provisions of this Act, having reference to the said expenses and the mode of ascertaining, fixing and collecting the same, which are applicable to counties in which the said second part of *The Canada Temperance Act* is in force shall also apply to cities in which the same is in force. 50 V. c. 33, s. 3.

The case of a county by-law and the license district embracing a city or town separate where by-law not in force.

149. When the by-law is a county by-law, and the license district in addition to other portions of the county, embraces a city or town withdrawn from the county for municipal purposes wherein the by-law is not in force, the license fund of such city or town withdrawn from the county for municipal purposes shall be kept as a separate license fund for such

city or town; and such city or town shall pay a just share of the expenses of such license district: and the same shall be determined by the board of license commissioners: and shall after approval by the Provincial Secretary be paid out of the license fund for such city or town: and in determining such share of expenses the board shall take into account with other circumstances, as far as may be, the proportion of the expenses incurred in said city or town. 41 V. c. 14, s. 7.

150. The following license duties for licenses issued under and in pursuance of sub-sections 4 and 8, of section 99, of *The Canada Temperance Act* shall hereafter be payable:

Duties payable for licenses issued under sec. 99, sub-ss. 4 & 8, of R. S. C. c. 106.

| | |
|--|----------|
| For each druggist's or shop license in cities..... | \$ 75 00 |
| “ “ “ towns..... | 50 00 |
| “ “ “ other municipalities.... | 30 00 |
| For each wholesale license in cities | 150 00 |
| “ “ “ towns..... | 100 00 |
| “ “ “ other municipalities. | 60 00 |

49 V. c. 39, s. 8.

151. All sums received from duties on such druggists' or shop licenses and for wholesale licenses, issued in municipalities in which the second part of *The Canada Temperance Act* is in force, shall form the license fund of the city, county or license district respectively in which the said second part of *The Canada Temperance Act* shall be in force, and shall be applied under regulations of the Lieutenant-Governor in Council, towards payment of the salary and expenses of the inspector, and for the expenses of the office of the board of license commissioners and of officers and otherwise in carrying the provisions of *The Canada Temperance Act* into effect, and the residue (if any) on the 30th day of June in each year, and at such other times as may be prescribed by the regulations of the Lieutenant-Governor in Council shall be paid to the Treasurer of the Province, to and for the use of the Province. 44 V. c. 27, s. 16.

Application of duties for licenses under preceding sections.

152.—(1) In order to remove doubts it is hereby declared that the share of the expenses of any license district to be paid by any county council, and heretofore estimated by the boards of license commissioners, and which have been approved by the Provincial Treasurer or Secretary, after deducting any sum payable by any city or separated town, as hereinafter provided, shall be due and payable by the county council, notwithstanding the use of the words “whereby a by-law prohibiting the sale of intoxicating liquors is in force” under *The Canada Temperance Act*, or words of similar purport or meaning in any section of this Act, are made to apply to the said *Canada Temperance Act*, and as fully as though the same had read in

Provision for payment by municipalities of expenses of license district in which R. S. C. c. 106 is in force.

lieu thereof in each and every case "where the second part of *The Canada Temperance Act* is in force." and it shall not be necessary to make or approve another estimate or serve a new copy or duplicate or demand, and the appointment of commissioners and inspectors by the Lieutenant-Governor or the Lieutenant-Governor in Council heretofore made in or for any county or district in which the said second part of *The Canada Temperance Act* was at the time in force, shall be as valid and effectual as though the statutes in this section mentioned or referred to had read as herein is provided. 50 V. c. 33, s. 1.

Share of expenses of license district to be paid by city or town in district in which R. S. C. c. 106 is in force.

(2) Where a city in which the second part of *The Canada Temperance Act* is in force and which is not a separate license district but forms part of a license district in which the said second part of *The Canada Temperance Act* is also in force as to the whole or part of the said license district, and where a town is separated from the county and forms part of a district in which the said second part of *The Canada Temperance Act* is in force, as to the whole or part thereof, the council of said city and of said town, respectively, shall pay a just share of the expenses of the license district of which it forms a part and such share shall be separately estimated and determined by the board of license commissioners, and shall, after approval by the Provincial Secretary, be paid into the license fund of the license district of which said city or town forms part: and in determining such share of expenses the commissioners shall take into account with other circumstances as far as may be the proportion of the expenses of the district incurred in said city or town. 50 V. c. 33, s. 4.

License district in places where the R. S. C. c. 106 is in force.

153. And it is further declared that the Lieutenant-Governor in Council shall have the same power and authority to create license districts when and where the second part of *The Canada Temperance Act* is in force, as under this Act, and where license districts are not or have not heretofore been created or provided by the Lieutenant-Governor in Council after the coming into force in any county or city of the second part of the said *Canada Temperance Act*, the license districts have been since the Act passed in the forty-fourth year of Her Majesty's reign, chapter 27, and are and shall be the same as under this Act, immediately prior to the coming into force of the said second part of *The Canada Temperance Act*, unless, or where the same have been, or shall have been, or shall be altered or changed by order in council or otherwise, and then as they have been so altered or changed, and until further order in that behalf. 50 V. c. 33, s. 2.

SCHEDULE A.

(Section 30.)

FORM OF BOND BY APPLICANT FOR A TAVERN LICENSE.

Know all men by these presents, that we *T. U.*, _____, *V. W.*,
 of _____ and *X. Y.*, of _____, are held and firmly bound unto
 Her Majesty Queen Victoria, Her Heirs and Successors, in the penal sum
 of \$400 of good and lawful money of Canada—that is to say, the said
T. U., in the sum of \$200, the said *V. W.*, in the sum of \$100, and the
 said *X. Y.*, in the sum of \$100 of like good and lawful money, for payment
 of which well and truly to be made, we bind ourselves and each of us, our
 heirs, executors and administrators, firmly by these presents.

Whereas the above bounden *T. U.* is about to obtain a license to keep
 a tavern or house of entertainment in the _____ of _____; the con-
 dition of this obligation is such, that if the said *T. U.*, pays all fines and
 penalties which he may be condemned to pay for any offence against any
 statute or other provision having the force of law, now or hereafter to be
 in force, relative to any tavern or house of public entertainment, and does,
 performs and observes all the requirements thereof, and conforms to all
 rules and regulations that are or may be established by competent authority
 in such behalf; then this obligation shall be null and void, otherwise to
 remain in full force, virtue and effect.

In witness whereof, we have signed these presents with our hands, and
 sealed them with our seals, this _____ day of _____, A.D. 18 ____.

T. U. [L. S.]
V. W. [L. S.]
X. Y. [L. S.]

Signed, sealed and delivered }
 in the presence of us. }

R. S. O. 1877, c. 181, Sched. A.

SCHEDULE B.

(Section 31.)

FORM OF BOND BY APPLICANT FOR A SHOP LICENSE.

Know all men by these presents, that we, *T. U.*, of _____ *V. W.* of
 _____ and *X. Y.*, of _____, are held and firmly bound unto Her
 Majesty Queen Victoria, Her Heirs and Successors, in the penal sum of
 \$400 of good and lawful money of Canada—that is to say, the said *T. U.*
 in the sum of \$200, the said *V. W.* in the sum of \$100, and the said
X. Y. in the sum of \$100 of like good and lawful money, for payment of
 which well and truly to be made, we bind ourselves and each of us, our
 heirs, executors and administrators, firmly by these presents.

Whereas the above bounden *T. U.* is about to obtain a license to keep a
 shop wherein liquor may be sold by retail in the _____ of _____; the
 condition of this obligation is such, that if the said *T. U.* pays all fines and
 penalties which he may be condemned to pay for any offence against any
 statute or other provision having the force of law, now or hereafter to be
 in force, relative to any shop wherein liquor may be sold by retail, and

does, performs and observes all the requirements thereof, and conforms to all rules and regulations that are or may be established by competent authority in such behalf; then this obligation shall be null and void, otherwise to remain in full force, virtue and effect.

In witness whereof, we have signed these presents with our hands, and sealed them with our seals, this day of , A.D. 18 .

T. U. [L. S.]

V. W. [L. S.]

X. Y. [L. S.]

Signed, sealed and delivered }
in the presence of us. }

R. S. O. 1877, c. 181, *Sched. B.*

SCHEDULE C.

(Sections 94 and 103.)

GENERAL FORM OF INFORMATION.

ONTARIO, } THE INFORMATION of A. B. of the Township of York,
County of York, } in the County of York, License Inspector laid before
To Wit: } me C. D., Police Magistrate, in and for the City of
Toronto [or one of Her Majesty's Justices of the Peace, in and for the
County of York], the day of A.D. 18 .

The said informant says, he is informed and believes that X. Y. on the day of A.D. 18 , at the Township of York, in the County of York, unlawfully did sell liquor without the license therefor by law required [or as the case may be—See forms in Schedule D.]

A. B.

Laid and signed before me the
day and year, and at the place
first above mentioned.

C. D.

P.M. or J.P.

R. S. O. 1877, c. 181, *Sched. C.*

SCHEDULE D.

(Section 103.)

FORMS FOR DESCRIBING OFFENCES.

1. *Neglecting to keep license exposed.* (Section 47.)

"That X. Y. having a license by wholesale [or a shop, or a tavern, or a vessel license] on at unlawfully and wilfully (or negligently) omitted to expose the said license in his warehouse [or shop, or in the bar-room of his tavern, or in the bar-saloon, or bar-cabin of his vessel,] as the case may be.]

2. *Neglecting to exhibit notice of license.* (Section 48.)

"That X. Y. being the keeper of a tavern [or inn or house or place of public entertainment] in respect of which a tavern license has duly issued and is in force, on at unlawfully did not

exhibit over the door of such tavern [or inn, etc.,] in large letters the words, 'Licensed to sell wine, beer, and other spirituous or fermented liquors,' as required by *The Liquor License Act*."

3. *Sale without license.* (Section 49.)

"That X. Y., on the _____ day of _____ A.D. 18 _____ at _____ in the County of _____ unlawfully did sell liquor without the license therefor by law required."

4. *Keeping liquor without license.* (Section 50.)

"That X. Y. on _____ at _____ unlawfully did keep liquor for the purpose of sale, barter and traffic therein, without the license therefor by law required."

5. *Sale of liquor on licensed premises during prohibited hours.* (Sections 54 and 71.)

"That X. Y. on _____ at _____ in his premises [or on, or out of, or from, his premises] being a place where liquor may be sold, unlawfully did sell [or dispose of] liquor during the time prohibited by *The Liquor License Act* (or by by-law of the Municipal Council of _____ or of the License Commissioners for the District of _____ or as the case may be), for the sale of the same, without any requisition for medical purposes as required by said Act being produced by the vendee or his agent."

6. *Allowing liquor to be drunk on licensed premises during prohibited hours.* (Sections 54 and 71.)

"That X. Y. on _____ at _____ in his premises, being a place where liquor may be [or is] sold, by retail [or wholesale] unlawfully did allow [or permit] liquor to be drunk in such place during the time prohibited by *The Liquor License Act* for the sale of the same, by a person other than the occupant, or some member of his family, or a lodger in his house."

7. *Sale of less than three-half pints under shop license.* (Section 2 (3).)

"That X. Y. having a shop license on _____ at _____ unlawfully did sell liquor in less quantity than three half-pints."

8. *Sale under wholesale license in less than wholesale quantities.* (Sections 2 (4), and 51.)

"That X. Y. having a license to sell by wholesale on _____ at _____ unlawfully did sell liquor in less quantity than five gallons [or, than one dozen bottles of three half-pints each, or than two dozen bottles of three-fourths of a pint each]."

9. *Allowing liquor to be consumed in shop.* (Section 60.)

"That X. Y. having a shop license on _____ at _____ unlawfully did allow liquor sold by him (or in his possession), and for the sale of which a license is required, to be consumed within his shop [or within the building of which his shop forms part, or, within a building which communicates by an entrance with his shop], by a purchaser of such liquor [or, by a person not usually resident within the building of which such shop forms a part.]"

10. *Allowing liquor to be consumed on premises under wholesale license.* (Section 61.)

"That X. Y. having a license by wholesale, on _____ at _____ unlawfully did allow liquor sold by him [or in his possession for sale] and for the sale of which such license is required, to be consumed within his warehouse [or shop, or within a building which forms part of, (or is appurtenant to or which communicates by an entrance with a warehouse or shop, or premises) wherein an article to be sold (or disposed of) under such license, is sold by retail (or wherein there is kept a broken package of an article for sale under such license)]."

11. *Illegal sale by druggists.* (Section 52.)

"That X. Y. being a chemist [or druggist] on _____ at _____ did unlawfully sell liquor for other than strictly medicinal purposes [or sell liquor in packages of more than six ounces at one time without a certificate from any registered medical practitioner, or sell liquor without recording the same], as required by *The Liquor License Act*.

12. *Illegal sale under vessel license.* (Section 59.)

"That X. Y. being authorized to sell liquor on a vessel called the *Spartan*, on _____ at _____ unlawfully did sell [or dispose of] liquor to be consumed by a person other than a passenger on such vessel while in port [or unlawfully did allow liquor to be consumed on such vessel during the time prohibited by *The Liquor License Act* for the sale of the same, without any requisition for medical purposes, as required by said Act]."

13. *Keeping a disorderly house.* (Section 79.)

"That X. Y. being the keeper of a tavern [or ale-house, or beer-house, or house of public entertainment], situate in the City [or Town, or Village, or Township], of _____ in the County of _____ on _____ in his said tavern [or house] unlawfully did sanction [or allow] gambling, [or riotous, or disorderly conduct] in his said tavern [or house]."

14. *Harbouring constables on duty.* (Section 80.)

"That X. Y. being licensed to sell liquor at _____ on _____ unlawfully and knowingly did harbour [or entertain or suffer to abide and remain on his premises] O. P., a constable belonging to a police force, during a part of the time appointed for his being on duty, and not for the purpose of quelling a disturbance or restoring order, or executing his duty."

15. *Compromising or compounding a prosecution.* (Section 81.)

"That X. Y. having violated a provision of *The Liquor License Act*, on _____ at _____ unlawfully did compromise [or compound, or settle, or offer, or attempt to compromise, compound or settle]. the offence with A. B., with the view of preventing any complaint being made in respect thereof [or with the view of getting rid of or of stopping, or of having the complaint made in respect thereof dismissed, as the case may be]."

16. *Being concerned in compromising a prosecution.* (Section 82.)

"That X. Y. on _____ at _____ unlawfully was concerned in [or a party to] a compromise [or a composition, or a settlement] of an offence committed by O. P., against a provision of *The Liquor License Act*."

17. *Tampering with a witness.* (Section 84.)

"That X. Y., on a certain prosecution under *The Liquor License Act*, on _____ at _____ unlawfully did tamper with O. P., a witness in such prosecution before [or after] he was summoned [or appeared] as such witness on a trial [or proceeding] under the said Act, [or unlawfully did induce, or attempt to induce O. P., a witness in such prosecution, to absent himself, or to swear falsely]."

18. *Refusing to admit policeman.* (Section 130.)

"That X. Y. on the _____ at _____ being in (or having charge of) the premises of O. P., being a place where liquor is sold [or reputed to be sold], unlawfully did refuse [or fail] to admit [or did obstruct or attempt to obstruct] E. F., an officer demanding to enter in the execution of his duty [or did obstruct or attempt to obstruct E. F., an officer making searches in said premises, and in the premises connected with such place]."

19. *Officer refusing to prosecute.* (Sections 129 and 134.)

"That X. Y., being a police officer [or constable, or Inspector of Licenses] in and for the Township of York, in the County of York, knowing that O. P. had on at committed an offence against a provision of *The Liquor License Act*, unlawfully and wilfully did and still does neglect to prosecute the said O. P., for his said offence."

R. S. O. 1877, c. 181, *Sched. D.*

SCHEDULE E.

(Section 103.)

FORM OF INFORMATION FOR SECOND, THIRD, OR FOURTH OFFENCE.

ONTARIO, } THE INFORMATION of A. B., of etc., License Inspector,
County of York, } laid before me C. D., Police Magistrate in and for
To Wit : } the City of Toronto [or one of Her Majesty's Justices
of the Peace in and for the County of York], the day of
A. D. 18

The said Informant says he is informed and believes that X. Y. on
at [describe last offence].

And further that the said X. Y. was previously, to wit : on the 15th day of December, A. D. 1886, at the City of Toronto, before C. D., Police Magistrate in and for the City of Toronto [or at the Township of York, in the County of York, before E. F. and G. H., two of Her Majesty's Justices of the Peace for the County of York], duly convicted of having on the 30th day of November, 1886, at the Village of Aurora in the County of York, unlawfully sold liquor without the license therefor required by law [or as the case may be].

And further that the said X. Y. was previously, to wit : on the 28th day of November, A. D. 1886, at the Township of Vaughan, in the County of York, before, etc. [as in preceding paragraph], again duly convicted of having on the 10th day of November, A. D. 1886, at the Township of Etobicoke, in the County of York, having a shop license, unlawfully allowed liquor to be consumed within a building which communicates by an entrance with his shop, by a person not usually resident within the building of which such shop forms a part [or as the case may be].

And further, that the said X. Y. was previously, to wit : on the 30th day of October, A. D. 1886, at the Town of Newmarket, in the County of York, before, etc. (see above), again duly convicted of having, on the 25th day of September, A. D. 1886, at the Village of Aurora in the County of York (being in charge of the premises of O. P., a place where liquor was reputed to be sold), unlawfully failed to admit E. F., an officer demanding to enter in the execution of his duty.

And the Informant says the offence hereinbefore firstly charged against the said X. Y., is his fourth offence against *The Liquor License Act*.

A. B.

Laid and signed before me the day)
and year, and at the place first)
above mentioned, C. D.,)
J. P.

R. S. O. 1877, c. 181, *Sched. E.*

SCHEDULE F.

(Section 103.)

SUMMONS TO WITNESS.

ONTARIO,
County of York, } To J. K., of the City of Toronto, in the County of
To Wit : } York,

Whereas, information has been laid before me, C. D., one of Her Majesty's Justices of the Peace in and for the County of York (or Police Magistrate for the City of Toronto), that X. Y., being a druggist, on the 10th day of January, A. D. 18 , at the Township of Vaughan, in the County of York, unlawfully did sell liquor for other than strictly medicinal purposes, and it has been made to appear to me that you are likely to give material evidence on behalf of the prosecutor in this behalf.

These are to require you, under pain of imprisonment in the Common Gaol, personally to be and appear on Tuesday, the 16th day of January, A. D. 18 , at ten-o'clock in the forenoon, at the Town Hall, in the Village of Richmond Hill, before me or such Justice or Justices of the Peace as may then be there, to testify what you shall know in the premises [and also to bring with you and there and then to produce all and every invoices, cash books, day books, or ledgers and receipts, promissory notes, or other security relating to the purchase or sale of liquor by the said X. Y., and all other books and papers, accounts, deeds, and other documents in your possession, custody or control, relating to any matter connected with the said prosecution].

Given under my hand and seal this 12th day of January, A. D. 18
at the Village of Richmond Hill, in the County of York.

C. D.,
J. P. (L.S.)

R. S. O. 1877, c. 181, *Sched. F.*

SCHEDULE G.

(Section 103.)

FORM OF CONVICTION FOR FIRST OFFENCE.

ONTARIO,
County of York, } BE IT REMEMBERED that on the 6th day of January,
To Wit : } A. D. 18 , at the City of Toronto, in the said County of
York, X. Y. is convicted before me, C. D., Police Magistrate in and for the City of Toronto (or before us, E. F. and G. H., two of Her Majesty's Justices of the Peace, in and for the said County), for that he the said X. Y., on the 2nd day of January, A. D. 18 , at the Township of York, in the said County, in his premises, being a place where liquor may be sold, unlawfully did sell liquor during the time prohibited by *The Liquor License Act* for the sale of the same, without any requisition for medicinal purposes as required by said Act, being produced by the vendee or his agent (or as the case may be), A. B. being the informant, and I (or we) adjudge the said X. Y., for his said offence to forfeit and pay the sum of \$20, to be paid and applied according to law, and also to pay to the said A. B. the sum of \$6 for his costs in this behalf, and if the said

several sums be not paid forthwith, then* I (or we) order the said sums to be levied by distress and sale of the goods and chattels of the said X. Y., and in default of sufficient distress in that behalf* [or where the issuing of a distress warrant would be ruinous to the defendant and his family, or it appears that he has no goods whereon to levy a distress, then instead of the words between the asterisks** say "inasmuch as it has now been made to appear to me (or us) that the issuing of a warrant of distress in this behalf would be ruinous to the said X. Y. and his family," or "that the said X. Y. has no goods or chattels whereon to levy the said several sums by distress"], I (or we) adjudge the said X. Y. to be imprisoned without hard labour [or with hard labour as the case may be] in the Common Gaol for the County of York, at Toronto, in the said County, and there to be kept for the space of fifteen days, unless the said sums and the costs and charges of conveying the said X. Y. to the said Common Gaol, shall be sooner paid.

Given under my hand and seal [or our hands and seals] the day and year first above mentioned, at the City of Toronto, in the County aforesaid.

C.D., (L.S.)
Police Magistrate.

or E.F., (L.S.)
J.P.

G.H., (L.S.)
J.P.

R. S. O. 1877, c. 181, *Sched. G* ; 44 V. c. 27, s. 26.

SCHEDULE H.

(Section 103.)

FORM OF CONVICTION FOR A THIRD OFFENCE.

ONTARIO, } BE IT REMEMBERED that on the 22nd day of January,
County of York, } A. D. 1887, in the City of Toronto, in the said County,
To wit : } X. Y. is convicted before the undersigned C. D., Police
Magistrate in and for the City of Toronto, in the said County [or C. D.
and E. F., two of Her Majesty's Justices of the Peace in and for the said
County], for that he, the said X. Y., on the 30th day of December, A. D.
1886, at the City of Toronto [or Township of Scarboro], in said
County (as the case may be), having violated a provision of *The Liquor
License Act*, unlawfully did attempt to settle the offence with A. B., with
the view of having the complaint made in respect thereof dismissed. And
it appearing to me [or us] that the said X. Y. was previously, to wit : on
the 15th day of December, A. D. 1886, at the City of Toronto, before,
etc., duly convicted of having, on the 30th day of November, A. D. 1886,
at the Village of Aurora, unlawfully sold liquor without the license
therefor by law required. And it also appearing to me [or us] that the
said X. Y. was previously, to wit : on the 28th day of November, A. D.
1886, at the Township of Vaughan, before, etc., (see above) again duly
convicted of having, on the 2nd day of November, A. D. 1886, at the Village
of Markham, being the keeper of a tavern situate in the said village of
Markham, unlawfully allowed gambling in his said tavern (or as the
case may be).

I [or we], adjudged the offence of said X. Y. hereinbefore firstly men-
tioned, to be his third offence against *The Liquor License Act*, (A. B. being
the informant) and I [or we], adjudged the said X. Y. for his said third

offence to be imprisoned in the Common Gaol of the said County of York, at Toronto, in the said County of York, there to be kept without hard labour [or with hard labour, *as the case may be*] for the space of three calendar months (*or as the case may be*).

Given under my hand and seal [*or our hands and seals*] the day and year first above mentioned, at Toronto, in the County of York.

C. D. (L. S.)

or

C. D. (L. S.)

E. L. (L. S.)

R. S. O. 1877, c. 181, *Sched. H* ; 44 V. c. 27, s. 26.

SCHEDULE I.

(Section 103.)

WARRANT OF COMMITMENT FOR FIRST OFFENCE WHERE A PENALTY IS IMPOSED.

IN ONTARIO, } To all or any of the Constables or other Peace Officers
County of York, } in the said County of York, and to the Keeper of
To wit : } the Common Gaol of the said County at Toronto, in
the County of York.

Whereas, *X. Y.*, late of the City of Toronto, in the said County, was on this day convicted before the undersigned, *C. D.*, Police Magistrate in and for the City of Toronto [*or C. D. and E. F.*, two of Her Majesty's Justices of the Peace in and for the City of Toronto *or* County of York, (*as the case may be*) for that he, the said *X. Y.*, on at unlawfully did sell liquor without the license therefor by-law required (*state offence as in the conviction*), (*A. B.* being the informant), and it was thereby adjudged that the said *X. Y.*, for his said offence, should forfeit and pay the sum of (*as in conviction*), and should pay to the said *A. B.* the sum of for his costs in that behalf.

And it was thereby further adjudged that if the said several sums should not be paid forthwith, the said *X. Y.* should be imprisoned in the Common Gaol of the said County at Toronto, in the said County of York, there to be kept at hard labour (*or without hard labour as the case may be*) for the space of , unless the said several sums and the costs and charges of conveying the said *X. Y.* to the said Common Gaol should be sooner paid.

And whereas the said *X. Y.* has not paid the said several sums, or any part thereof, although the time for payment thereof has elapsed.

[*If a distress warrant issued and was returned no goods, or not sufficient goods, say, "And whereas, afterwards on the 15th day of January, A. D. 1887, I, the said Police Magistrate (or we, the said Justices), issued a warrant to the said Constables or Peace Officers, or any of them, to levy the said several sums of and by distress and sale of the goods and chattels of the said X. Y. ;*

"And whereas it appears to me (*or us*) as well, by the return of the said warrant of distress by the Constable who had the execution of the same as otherwise, that the said Constable has made diligent search for the goods and chattels of the said *X. Y.*, but that no sufficient distress whereon to levy the said sums could be found."]

[*Or where the issuing of a distress warrant would be ruinous to the defendant and his family, or if it appears that he has no goods whereon to levy a distress, then, instead of the foregoing recitals of the issue and return of the distress warrant, etc., say :*

“ And whereas it has been made to appear to me (or us), that the issuing of a warrant by distress in this behalf would be ruinous to the said X. Y. and his family,” or “ that the said X. Y. has no goods or chattels whereon to levy the said sums by distress ” *as the case may be*].

These are therefore to command you, the said Constables or Peace Officers, or any one of you, to take the said X. Y., and him safely convey to the Common Gaol aforesaid, at Toronto, in the County of York, and there deliver him to the said Keeper thereof, together with this precept.

And I (or we) do hereby command you the said Keeper of the said Common Gaol to receive the said X. Y. into your custody in the said Common Gaol, there to imprison him and keep him for the space of (without hard labour or with hard labour *as the case may be*) unless the said several sums and all the costs and charges of the said distress, amounting to the sum of _____, and of the commitment and conveying of the said X. Y. to the said Common Gaol, amounting to the further sum of _____ shall be sooner paid unto you the said Keeper, and for so doing this shall be your sufficient warrant.

Given under my hand and seal (or our hands and seals) this
day of _____ A. D. 18 _____, at Toronto, in the said County of York.

C. D. (L.S.)

or C. D. (L.S.)

E. F. (L.S.)

R. S. O. 1877, c. 181, *Sched I*; 44 V. c. 27, s. 26.

SCHEDULE J.

(Section 103.)

WARRANT OF COMMITMENT FOR SECOND (or THIRD) OFFENCE, WHERE
PUNISHMENT IS BY IMPRISONMENT ONLY.

ONTARIO, } To ALL or any of the Constables and other Peace Offi-
County of York. } cers in the said County of York, and to the Keeper
To Wit : } of the Common Gaol of the said County, at Toronto,
in the County of York.

Whereas X. Y., late of the _____ of _____ in the said County, was on this day convicted before the undersigned C. D., etc., (or C. D. and E. F., etc., *as in preceding form*; for that he, the said X. Y. on at _____ (*state offence with previous convictions as set forth in the conviction for the second or third offence, or as the case may be, and then proceed thus*): “ And it was thereby adjudged that the offence of the said X. Y., hereinbefore firstly mentioned, was his second (or third) offence against *The Liquor License Act*, (A. B. being the informant). And it was thereby further adjudged that the said X. Y., for his said second (or third) offence should be imprisoned in the Common Gaol of the said County of York, at Toronto, in the said County of York, and there to be kept without hard labour (or with hard labour *as the case may be*) for the space of three calendar months.

These are therefore to command you the said Constables, or any one of you, to take the said X. Y. and him safely convey to the said Common

Gaol at Toronto aforesaid, and there deliver him to the Keeper thereof, with this precept. And I (*or we*) do hereby command you, the said Keeper of the said Common Gaol, to receive the said *X. Y.* into your custody in the said Common Gaol, there to imprison him and to keep him without hard labour (*or with hard labour as the case may be*), for the space of three calendar months.

Given under my hand and seal (*or our hands and seals*), this day of A. D. 188 , at Toronto, in the said County of York.

C. D. (L.S.)

or

C. D. (L.S.)

E. F. (L.S.)

R. S. O. 1877, c. 181, *Sched. J* ; 44 V. c. 27, s. 26.

SCHEDULE K.

(*Section 132.*)

FORM OF DECLARATION OF FORFEITURE AND OF ORDER TO DESTROY LIQUOR SEIZED.

If in conviction, after adjudging penalty or imprisonment, as in Schedule G, proceed thus :

“ And I [*or we*] declare the said liquor and vessels in which the same is kept, to wit : two barrels containing beer, three jars containing whiskey, two bottles containing gin, four kegs containing lager beer, and five bottles containing native wine [*or as the case may be*], to be forfeited to Her Majesty, and I [*or we*] do hereby order and direct that *T. D.*, License Inspector of the City of Toronto [*or J. P. W.*, License Inspector of the *East Riding of the County of York*], do forthwith destroy the said liquor and vessels.”

Given under my hand and seal the day and year first above mentioned, at, etc.

If by separate or subsequent Order :

“ COUNTY OF YORK, { We, *E. F.* and *G. H.*, two of Her Majesty's Justices
To Wit : } of the Peace for the County of York [*or C. D.*,
Police Magistrate of the City of Toronto], having on the 15th day of
March, 1887, at the Township of Scarboro' in said County, duly convicted
X. Y. of having unlawfully kept liquor for sale without license, do hereby
declare the said liquor and vessels in which the same is kept, to wit :—
[*describe the same as above*], to be forfeited to Her Majesty, and we [*or I*] do
hereby order and direct that *J. P. W.*, License Inspector of the East
Riding of the said County, do forthwith destroy the said liquor and
vessels.”

Given under our [*or my*] hands and seals, this 17th day of March,
A. D. 18 , at the Township of Scarboro' in the said County.

E. F. (L.S.)

or

G. H. (L.S.)

C. D. (L.S.)

44 V. c. 27, *Sched. K.*

SCHEDULE L.

(Sections 23 and 24.)

FORM FOR DESCRIBING OFFENCES FOR SELLING, GIVING, OR KEEPING OTHER LIQUORS BY HOLDER OF BEER AND WINE LICENSE.

"That X. Y. being the holder of a Beer and Wine License, on at did unlawfully sell [*or give, or keep for sale*] other liquor than is authorized by his license, in the house and upon the premises for which such license has been granted."

44 V. c. 27, *Sched. L.*

SCHEDULE M.

(Section 37.)

PROVISIONAL CONSENT TO TRANSFER OF LICENSE BY THE INSPECTOR, PENDING THE DECISION OF THE BOARD OF COMMISSIONERS.

In pursuance of section 37, sub-section 2, of chapter 194 of the Revised Statutes of Ontario, I hereby consent that the Licensee named in the annexed license, his assigns or legal representatives, may provisionally transfer the hereunto annexed license, and all his and their interests therein to to be held by him subject to all of the provisions of the said Revised Statute; the written consent to such transfer by the Board of Commissioners, to be hereafter obtained within the time prescribed by law.

Dated this day of A.D. 188 .

Inspector.

N.B.—This provisional consent shall remain in force for days from the date thereof, and no longer.

Countersigned,

*Commissioner.*44 V. c. 27, *Sched. M.*

5. *HIGHWAYS.*

- CHAP. 195.—TRAVELLING ON HIGHWAYS, p. 2228.
 “ 196.—EXEMPTION FROM TOLL, p. 2230.
 “ 197.—DOUBLE TRACKS IN SNOW ROADS, p. 2231.
 “ 198.—SNOW FENCES, p. 2233.
 “ 199.—RAILWAY STREETS AND DRAINS ACT, p. 2235.
 “ 200.—TRACTION ENGINES ON HIGHWAYS, 2242.
 “ 201.—PLANTING AND GROWING OF TREES, p. 2246.

CHAPTER 195.

An Act to regulate Travelling on Public Highways
and Bridges.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

HIGHWAYS.

Carriages
meeting to
drive to the
right, giving
half the road.

1. In case a person travelling or being upon a highway in charge of a vehicle drawn by one or more horses, or one or more other animals, meets another vehicle drawn as aforesaid, he shall turn out to the right from the centre of the road, allowing to the vehicle so met one-half of the road. R. S. O. 1877, c. 183, s. 1.

Carriages
overtaken to
turn to the
right.

2. In case a person travelling or being upon a highway in charge of a vehicle as aforesaid, or on horseback, is overtaken by any vehicle or horseman travelling at greater speed, the person so overtaken shall quietly turn out to the right and allow the said vehicle or horseman to pass. R. S. O. 1877, c. 183, s. 2.

Driver unable
to turn out is
to stop.

3. In the case of one vehicle being met or overtaken by another, if by reason of the extreme weight of the load on either of the vehicles so meeting or on the vehicle so overtaken the driver finds it impracticable to turn out as aforesaid, he shall immediately stop, and, if necessary for the safety of the other vehicle, and if required so to do, he shall assist the person in charge thereof to pass without damage. R. S. O. 1877, c. 183, s. 3.

4. In case a person in charge of a vehicle, or of a horse or other animal used as the means of conveyance, travelling or being on a highway as aforesaid, is, through drunkenness unable to drive or ride the same with safety to other persons travelling on or being upon the highway, he shall incur the penalties imposed by this Act. Penalty on drivers, etc., too drunk to manage their horses. R. S. O. 1877, c. 183, s. 4.

5. No person shall race with or drive furiously any horse or other animal, or shout, or use any blasphemous or indecent language upon any highway. Racing, swearing, etc., on highways, forbidden. R. S. O. 1877, c. 183, s. 5.

6. Every person travelling upon a highway with a sleigh, sled, or cariole, drawn by horse or mule, shall have at least two bells attached to the harness. Sleigh horses to have bells. R. S. O. 1877, c. 183, s. 6.

BRIDGES.

7. Every person who has the superintendence and management of any bridge exceeding thirty feet in length shall cause to be put up at each end thereof, conspicuously placed, a notice legibly printed, in the following form: Notice to be posted at bridges.

“Any person or persons riding or driving on or over this bridge at a faster rate than a walk will, on conviction thereof, be subject to a fine, as provided by law.” Form of.

R. S. O. 1877, c. 183, s. 7.

8. In case a person injures or in any way interferes with such notice he shall incur a fine of not less than \$1 nor more than \$8, to be recovered in the same manner as other penalties imposed by this Act. Penalty on persons defacing such notice. R. S. O. 1877, c. 183, s. 8.

9. If, while such notice continues up, a person rides or drives a horse or other beast of burden over such bridge at a pace faster than a walk, he shall incur the penalties imposed by this Act. Fast driving over bridges forbidden. R. S. O. 1877, c. 183, s. 9.

RECOVERY AND APPLICATION OF PENALTIES.

10. In cases not otherwise specially provided for, if any person contravenes this Act, and such contravention is duly proved by the oath of one credible witness, before any Justice of the Peace having jurisdiction within the locality where the offence has been committed, the offender shall incur a penalty of not less than \$1 nor more than \$20, in the discretion of the Justice, with costs. Penalty for contravening this Act. R. S. O. 1877, c. 183, s. 10.

11. If not paid forthwith, the penalty and costs shall be levied by distress and sale of the goods and chattels of the offender, under a warrant signed and sealed by the convicting Justice, and the overplus, if any, after deducting the penalty and costs and charges of sale shall be returned, on demand, to the owner of the goods and chattels. To be enforced by distress. R. S. O. 1877, c. 183, s. 11.

Or by imprisonment.

12. In default of payment of distress the offender shall, by warrant signed and sealed as aforesaid, be imprisoned in the common gaol for a period of not less than one day nor more than twenty days, at the discretion of the Justice, unless the fine, costs and charges are sooner paid. R. S. O. 1877, c. 183, s. 12.

Not to bar action for damages.

13. No such fine or imprisonment shall be a bar to the recovery of damages by the injured party before any Court of competent jurisdiction. R. S. O. 1877, c. 183, s. 13.

Application of penalties.

14. Every fine collected under this Act shall be paid to the treasurer of the local municipality or place in which the offence was committed, and shall be applied to the general purposes thereof. R. S. O. 1877, c. 183, s. 14.

CHAPTER 196.

An Act exempting certain Vehicles, Horses and Cattle from Tolls on Turnpike Roads.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Exemption from tolls in certain cases.

1. Officers, non-commissioned officers and men of the Volunteers, being in proper staff or regimental uniform, dress or undress, and their horses (but not when passing in any hired or private vehicle, unless when on duty or proceeding to or from the same), shall be exempt from the payment of any duty or toll on passing any turnpike or toll gate, or any road, wharf or landing-place or bridge in this Province. R. S. O. 1877, c. 184, s. 1.

Persons going to or returning from divine service exempted from toll.

2. All persons going to or returning from divine service on any Sunday or statutory holiday, in or upon and with their own carriages, horses or other beasts of draught, and also their families, and servants being in or upon and with such carriages, horses or other beasts of draught shall pass toll free through every turnpike or toll gate on any turnpike road through which they may have occasion to pass, whether such turnpike road and the tolls thereon belong to the Province, or to any local or municipal authority, or body of trustees or commissioners for local purposes, or to any incorporated or unincorporated company, or to any other body or person. R. S. O. 1877, c. 184, s. 2.

3. No vehicle, laden or unladen, and no horses or cattle belonging to the proprietor or occupier of any lands divided by any turnpike road, shall be liable to toll on passing through any toll-gate on such road (at whatever distance the same may be from any city or town) for the sole purpose of going from one part of the lands of such proprietor or occupier to another part of the same: Provided such vehicle, horses or cattle do not proceed more than half a mile along such turnpike road, either in going or in returning, and are using such road for farming or domestic purposes only. R. S. O. 1877, c. 184, s. 3.

4. Every vehicle laden solely with manure, brought from any city, town or incorporated village in this Province, and employed to carry manure into the country parts for the purposes of agriculture, and the horse or horses, or other beast of draught, drawing such vehicle, shall pass toll free through every turnpike-gate or toll-gate on any turnpike or macadamized road within twenty miles of such city, town or incorporated village as well in going from such city, town or incorporated village, as in returning thereto, if the vehicle is then empty. R. S. O. 1877, c. 184, s. 4.

5. This Act shall not extend to any toll bridge, the tolls on which are vested in any person other than the Crown. R. S. O. 1877, c. 184, s. 5.

CHAPTER 197.

An Act respecting Double Tracks in Snow Roads.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In this Act, the word "Team" shall be taken to mean a vehicle drawn by one horse or other animal, or a greater number of horses or other animals, as the case may be. R. S. O. 185, s. 1.

2. The county council of each county may provide, by law, for the making of a double track, during the season of sleighing in each and every year, upon such public or leading roads within the county, whether county roads or not, as such council deems advisable. R. S. O. 1877, c. 185, s. 2.

Nature of
tracks.

3. Whenever a county council has passed such a by-law, the double track to be made shall be so made that teams shall be able to pass without being obliged to turn out when meeting each other. R. S. O. 1877, c. 185, s. 3.

Right of road.

4. The right hand track shall always be that in which a team shall be required to travel, and if any person is driving his team in the wrong track, it shall be his duty to leave the same whenever he meets another team rightfully entitled to use such track. R. S. O. 1877, c. 185, s. 4.

Duties and
powers of
path-masters
or road-masters.

5. A county council may also provide, by by-law, that path-masters appointed by township councils shall cause the roads on which double tracks are to be made to be kept open for travel within their respective municipalities, or in the event of there being no such path-masters available, may appoint road-masters to perform that duty; and such path-masters or road-masters shall have full power to call out persons liable to perform statute labour, to assist in keeping open such roads within their respective municipalities, and may give to such persons as may be employed in so doing, certificates of having performed statute labour to the amount of the days' work done, and such work shall be allowed for to such persons in their next season's statute labour; and such county council may also provide for the application by such township council of so much of the commutation of statute labour fund as may be necessary for the keeping open such roads as aforesaid within their respective municipalities. R. S. O. 1877, c. 185, s. 5.

If township-
refuse to make
tracks, county
may do so and
impose a rate.

Rev. Stat. c.
193.

6. In the event of a township council neglecting or refusing to keep such roads open for travel as mentioned in the next preceding section of this Act, the county council shall be entitled to do so, and to impose upon the township so in default a rate sufficient for that purpose, and such rate shall be levied and collected in the manner provided by *The Assessment Act* as to the collection of county rates. R. S. O. 1877, c. 185, s. 6.

Penalty for
persons refus-
ing to work
under path-
-masters.

7. Any person who is liable to perform statute labour, and refuses or neglects to turn out and work under any path-master or road-master who warns him out for that purpose under the authority of this Act, shall be liable to a fine not exceeding \$20, nor less than \$1, over and above costs, and in case of non-payment, to imprisonment for a term not exceeding twenty-one days. R. S. O. 1877, c. 185, s. 7.

Penalty for
travelling on
left hand
track andrefu-
sing to turn
out.

8. Any person travelling in the wrong or left hand track, and refusing or neglecting to leave the same when met by a person who is travelling therein with his team as of right, shall be liable to a penalty of not less than \$1, nor more than \$20, over and above the costs of prosecution, and in case of non-payment, to imprisonment for a term not exceeding twenty-one days. R. S. O. 1877, c. 185, s. 8.

CHAPTER 198.

An Act respecting Snow Fences.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1.—(1) The council of every township, city, town, or incorporated village shall have power to require owners or occupiers of lands bordering upon any public highway, to take down, alter, or remove any fence found to cause an accumulation of snow or drift so as to impede or obstruct the travel on the public highway, or any part thereof, and where such power is exercised they shall make such compensation to the owners or occupants for the taking down, alteration or removal of such fence and for the construction of some other description of fence approved of by the council, in lieu of the one so required to be taken down, altered, or removed as may be mutually agreed upon; and if the council and the owners or occupants cannot agree, in respect to the compensation to be paid by the council, then the same shall be settled by arbitration in the manner provided by *The Municipal Act*, and the award so made shall be binding upon all parties. 44 V. c. 26, s. 1.

Councils may require owners or occupants of land to remove fences;

Making compensation therefor

Rev. Stat. c. 184.

(2) Where in a township the owners and occupants of all the lands bordering upon the side of a public highway, within the jurisdiction of the council of the municipality, or upon so much of the highway as either extends from front to rear of any concession, or lies between any two side line roads, petition the council of the township to pass, under the provisions of this section, a by-law requiring the owners and occupiers to erect and maintain a wire fence between said lands and the highway, the council shall have power to pass the same, and to provide that the fence shall be so erected and maintained by the owners and occupants on and along the highway, at a uniform distance not exceeding six feet from that side thereof on which the lands border as aforesaid, and that every such owner and occupant shall have the right to occupy and enjoy so much of the highway as shall be situate between the fence when erected, and his land bordering upon the highway, so long as the fence is by him maintained, as by the by-law may be required; and in every such case the right to occupy and enjoy a part of the highway as aforesaid, shall be in lieu of and a full satisfaction of all compensation which, under any other provision of this section, would require to be made to the owner or occupant, and as if the same had been agreed to by him: Provided always that under the provisions

Erection of wire fences on lands bordering on highways.

of this sub-section no highway or part of a highway shall be reduced to or made less than fifty-four feet in width: Provided, moreover, that for all purposes of this Act, the date of the passing of the by-law shall be taken as the time from which the two months mentioned in section 2 of this Act shall be computed. 49 V. c. 40, s. 1.

Power in case of neglect or refusal by owner or occupant to construct fence as directed.

2. In case the owner or occupant shall refuse or neglect to take down, alter, or remove the fence and to construct such other fence as required by the council, the council may, after the expiration of two months from the time the compensation to be paid by the council has been agreed upon or settled by arbitration, proceed to take down, alter, or remove the old fence and construct the other description of fence which has been approved of by the council, and the amount of all costs and charges thereby incurred by the council over and above the amount of compensation agreed upon or settled by arbitration, may immediately be recovered from such owner or occupier, by action in any Division Court having jurisdiction in the locality, and the amount of the judgment in favour of the municipality obtained in such Court, shall, if not sooner paid, be, by the clerk of the municipality, placed upon the next collector's roll as taxes against the lands upon or along the boundaries of which the fence is situate, and after being placed upon the collector's roll, shall be collected and treated in all respects as other taxes imposed by by-laws of the municipality; when a tenant or occupant, other than the owner, shall be required to pay the aforesaid sum, or any part thereof, the tenant or occupant may deduct the same, and any costs paid by him, from the rent payable by him, or may otherwise recover the same, unless the tenant or occupant shall have agreed with the landlord to pay the same. 44 V. c. 26, s. 2.

Power to enter on lands.

3. The council of every township, city, town or incorporated village, shall have power, on and after the 15th day of November in each year, to enter into and upon any lands of Her Majesty, or into and upon any lands of any corporation or person whatsoever, situate within said township, city, town or village, and lying along any road or public highway, in or adjoining any such municipality, and to erect and to maintain snow fences thereon, subject to the payment of such damages (if any) as may be actually suffered by the owner or owners of the lands entered upon, the amount thereof to be ascertained, if not mutually agreed upon, by arbitration, under *The Municipal Act*: Provided always, that such snow fences so erected shall be removed on or before the first day of April following. 49 V. c. 40, s. 2.

Rev. Stat.
184.

CHAPTER 199.

An Act to provide for the crossing of Railways by Streets, Drains and Water Mains.

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|---|---|
| SHORT TITLE, s. 1. | Drains and water pipes, s. 24. |
| APPLICATION OF ACT, ss. 2, 29, 30. | MAINTAINING LEVEL OF HIGHWAY, s. 25. |
| INTERPRETATION, s. 3. | MAINTAINING LEVEL OF RAILWAY, s. 25. |
| POWERS AS TO ROADS, DRAINS, AND WATER MAINS ON RAILWAY LANDS, ss. 4, 5, 23. | RAILWAY NOT TO BE INJURED, s. 26. |
| Plans and notices, ss. 6-8. | HIGHWAYS TO BE SUBJECT TO RAILWAY ACT, s. 27. |
| EXECUTION OF WORKS, ss. 9-19. | RIGHTS OF RAILWAYS PRESERVED, s. 28. |
| Reference to Commissioner of Public Works, ss. 11-16. | SERVICE OF NOTICES, s. 31. |
| COMPENSATION TO COMPANY, ss. 20-22. | PROVISIONS OF MUNICIPAL ACT AS TO HIGHWAYS TO APPLY, s. 32. |
| REPAIRS OF STREET CROSSINGS, s. 24. | |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may for all purposes be cited as "*The Railway Streets and Drains Act.*" 45 V. c. 21, s. 1.

2. This Act and the respective provisions thereof apply to every railway and railway company in respect of which the Legislature of Ontario has authority to enact such provisions. 45 V. c. 21, s. 2.

3. Where the following words occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears: Interpretation.

1. "Railway Company" shall include the owner or lessee of any railway, and the contractor working or operating the same;

2. "Council" and "Municipality" shall respectively have the meaning assigned to them by *The Municipal Act*; Rev. Stat. c. 184.

3. "The Railway" shall have the meaning assigned thereto by *The Railway Act of Ontario*; Rev. Stat. 170.

4. "Highway" shall mean and include any public highway, road, street, lane, or way;

5. "Notice" shall mean a notice either wholly written or printed, or partly written and partly printed. 45 V. c. 21, s. 3.

Power to pass by-laws for making, etc., roads, etc.

4. The council of any municipality may pass by-laws for establishing, opening, making, preserving, improving, maintaining, widening, enlarging, altering, diverting or stopping up within the limits of the municipality, any highway or public drain through, over, across, under, along or upon the railway and lands of any railway company, and for entering upon, breaking up, taking or using such land in any way necessary or convenient for the said purposes; but subject to such terms and restrictions as are in this Act contained; and provided always that such highway or drain is, under the provisions of *The Municipal Act*, within the jurisdiction of such council. 45 V. c. 21, s. 4.

Rev. Stat. c. 184.

And for laying down water mains on railway lands.

5. The council of any municipality may also pass by-laws for laying down in, through, across, under, or along the railway and lands of any railway company, any main pipe belonging or necessary to any water works which the corporation of the municipality is authorized to construct, and for entering upon, breaking up, taking or using any such land in any way necessary or convenient for the said purpose, but subject to the terms and restrictions in this Act contained. 45 V. c. 21, s. 5.

Plans to be prepared, and notice given to company.

6. Before the final passing of any such by-law, the council shall procure plans and estimates in detail, with proper specifications of the work intended to be carried out under such proposed by-law, copies whereof, with notice of the proposed by-law, shall be given to and served upon the railway company whose railway or lands are to be affected or entered upon. 45 V. c. 21, s. 6.

Requisites of plans, etc., in case of opening, etc., a highway which is not to be carried over or under railway.

7. Where it is intended by such by-law to authorize the opening, widening, altering, enlarging or diverting, of a highway without the same being carried over the railway by a bridge, or under, by a subway or tunnel, such plans, specifications and estimates shall, amongst other things, provide for such of the following matters as in the opinion of the council are necessary in connection with such opening, widening, altering, enlarging or diverting of such highway, that is to say:

1. Planking to be laid on either side and between the rails of the track of the railway, so as to permit of the same being easily crossed at any place within the travelled width of such highway, and so as that the upper level of the said planking shall be, as nearly as practicable, level with the top of the said rails:

2. The construction of a cattle guard at each side of the highway where it crosses the railway, suitable and sufficient to prevent cattle and animals from getting on the railway;

3. The erection of fences upon the sides of such highway from the line of the fences on each side of the railway up to the cattle guards, and of the height and strength of an ordinary division fence;

4. The erection of such sign boards as will be a compliance with sub-section 4 of section 29 of *The Railway Act of Ontario*. 45 V. c. 21, s. 7. Rev. Stat. c. 170.

8. Where the work intended to be carried out under any such by-law is in respect of a drain or water pipe, the plans and specifications shall, amongst other things, shew the location of the drain or water pipe relatively to the railway, and shall also, where such work is in respect of a drain, shew where an outlet is to be obtained, and the estimated maximum discharge and flow of water and sewage. 45 V. c. 21, s. 8. Plans, etc., for drains or water pipes.

9. If the railway company within thirty days after the day of the service of the copies and notice required to be served upon such railway company by section 6 of this Act, does not give to the council notice stating that the work intended to be carried out under the proposed by-law is objected to by the railway company, and further stating the grounds of objection, the council may proceed with the work agreeably to the said plans and specifications, but subject to the provisions of *The Municipal Act*. 45 V. c. 21, s. 9. Where no objection made within thirty days from service of notice council may proceed with work. Rev. Stat. c. 184.

10. Where the work intended to be carried out under such by-law is in respect of a highway, and the railway company, within the said thirty days, gives notice to the council that the railway company will itself execute the proposed work at and for the amount estimated therefor as aforesaid, the railway company shall forthwith proceed with and execute the proposed work in accordance with the said plans and specifications, and shall be entitled to receive payment therefor from the municipality, according to the said estimate. 45 V. c. 21, s. 10. Where work is in respect of a highway, company may do work.

11. The council and the railway company may mutually agree as to the point, mode and manner at or by which any such highway or public drain shall be so established, opened, made, improved, maintained, widened, enlarged, altered, diverted, or stopped up, or such water pipe laid down, as the case may be, in, through, over, across, under, along or upon the railway or lands of the railway company, or as to how far or to what extent the council, in the exercise of the powers by this Act conferred, shall be at liberty to enter upon, take, or use said railway or lands; but in case they do not so mutually agree, then no council shall avail itself of, or exercise, any of the powers by sections 4 or 5 of this Act conferred, unless and until and only so far as the approval of the Commissioner of Public Works is first had and obtained in that behalf, upon application Council and company may agree as to the mode of making road, etc. If no agreement, approval of Commissioner of Public Works to be obtained.

made to the Commissioner by or on behalf of the said council : of which application notice shall, before the same is so made, be given by the council to the railway company. 45 V. c. 21. s. 11.

Application by council to Commissioner in case of disagreement.

12. In case the railway company gives notice as aforesaid, that the proposed work, or the intended mode and manner of its construction or carrying out is objected to, and the council and the railway company have not mutually agreed as in the last preceding section provided, the council may make application to the Commissioner of Public Works as provided in the last preceding section, and shall thereupon transmit to the Commissioner verified copies of all papers served by the council upon the railway company, or by the latter upon the council. 45 V. c. 21, s. 12.

Execution of work if approved.

13. If the Commissioner of Public Works shall approve of and concur in the propriety of the proposed work being executed according to said plans and specifications, or according to some modification thereof, the same may be executed accordingly. 45 V. c. 21, s. 13.

Commissioner may require examination and report.

14. The Commissioner of Public Works, before disposing of the matter, may, if he thinks fit, direct the inspector of railways, or some other competent person, to examine the locality and make his report in regard to any matters which the Commissioner may direct. 45 V. c. 21, s. 14.

Payment of expenses of application.

15. All expenses of and incidental to such application to the Commissioner of Public Works, whether of the inspection, or of the parties, or otherwise, shall be paid by the municipality or the railway company, as the Commissioner may direct, and the Commissioner may assess and determine the amount to be so paid, and to whom, or may direct that the same shall be, in whole or in part, ascertained by one of the taxing officers of the Supreme Court of Judicature, subject to such directions (if any) as the Commissioner may give. 45 V. c. 21, s. 15.

Certificate of Commissioner to be final.

16. The decision or certificate of the Commissioner of Public Works shall be final, according to the tenor and effect thereof ; and it shall not be open to either or any party, after such decision or certificate is made, to raise any question as to the regularity or sufficiency of any of the prior proceedings directed by this Act or otherwise. 45 V. c. 21, s. 16.

Where work is in respect of a highway, and plans, etc., are approved, company may execute work.

17. Where the proposed work is in respect of a highway, and, upon being applied to as aforesaid, the Commissioner of Public Works approves of plans and specifications therefor as aforesaid, the railway company may, within ten days of being served with notice of his decision, serve a notice upon the council that the railway company will perform the work for

the price named in the estimate therefor, and the railway company shall thereupon proceed with and execute the said proposed work. 45 V. c. 21, s. 17.

18. Where the proposed work is in respect of a highway, and the Commissioner of Public Works upon being applied to as aforesaid, modifies the plans or specifications therefor, he may, with the consent of the council of the municipality, fix a price to be paid for such work, or if he does not, then the council shall cause an estimate of the cost thereof to be served upon the railway company with a notice that the council is willing to pay such estimated cost for the work, and the railway company may, within ten days of being notified of the amount so fixed, or of such last mentioned estimate of cost, serve a notice upon the council that the railway company will perform the work for the price or cost so fixed or estimated as aforesaid (as the case may be) and the railway company shall thereupon proceed with and execute the work. 45 V. c. 21, s. 18.

Where plans are modified company may do work at price fixed.

19. Where any railway company elects as aforesaid to proceed with the execution of any work under the provisions of this Act, and does not proceed therewith with reasonable diligence, the council of the municipality may take the same out of the hands of the railway company and itself do what is necessary to perform or complete the required work, or may apply for a *mandamus* to compel the railway company to proceed therewith and complete the same; and when the railway company does not elect in manner hereinbefore provided to do the work, the council of the municipality may proceed with the work and execute the same. 45 V. c. 21, s. 19.

If company does not use reasonable diligence council may proceed with work, or may obtain a *mandamus* to compel company to proceed.

20. Where, in the exercise of the powers by this Act conferred, the lands of any railway company are either entered upon, taken or used by any council, or are injuriously affected, the council shall make to the railway company due compensation for any damages (including cost of fencing when required) necessarily resulting from such exercise of such powers, beyond any advantage which the railway company may derive therefrom; provided always, that where the damages result from the exercise of any power by this Act conferred in respect of a highway, the compensation shall not exceed one-half the value of the lands taken or affected under or by the exercise of the power; and that where the damages result from the exercise of any such power in respect of a public drain, the compensation shall only be required to be so made where the drain is not a covered drain carried under the railway and below the level thereof to at least a depth of five feet, and the compensation to be made in such case shall not exceed the value of the lands taken or affected under or by the exercise of any such power. 45 V. c. 21, s. 20.

Compensation to company for lands taken or injuriously affected.

Compensation to be determined by arbitration in case of disagreement. Rev. Stat. c. 184.

21. The council and the railway company may mutually agree upon the amount of compensation to be made as aforesaid; but in case the amount of the compensation be not so mutually agreed upon, then the same shall be determined by arbitration, under the provisions of *The Municipal Act*. 45 V. c. 21, s. 21.

Claim by company for extra compensation.

22. If the railway company claims that the proposed work will injure the railway company beyond the amount of the compensation so to be made as aforesaid, the railway company shall, in the notice given under section 12 of this Act, state its claim, or if the railway company does not object to the work, but claims that injury will be done it as aforesaid, the railway company shall give, in like manner, a notice of such claim: and in case the Commissioner of Public Works shall be of opinion that the railway company is entitled to additional compensation in that behalf, he may direct that the same shall be determined by arbitration under *The Municipal Act*; and the amount of such additional compensation (if any), when so determined, shall be paid by the municipality to the railway company. 45 V. c. 21, s. 22.

Rev. Stat. c. 184.

When council may finally pass by-law.

23. No council shall finally pass any such by-law unless, and until, and only so far as the work to be carried out thereunder has not been objected to by the railway company within the time fixed therefor by sections 9 and 12 of this Act, or being so objected to, has either been approved of and concurred in by the Commissioner of Public Works, or has been mutually agreed upon between the council and the railway company under the provisions of this Act. 45 V. c. 21, s. 23.

Company to repair street crossings and municipality to repair drains and water pipes.

24. All street crossings constructed under this Act shall thereafter be kept in proper repair by the railway company, and all drains constructed and water pipes laid down under this Act shall thereafter be kept in proper repair and condition by the municipality, or in case of default then by the railway company, and the railway company shall have the right to recover from the municipality the cost of all reasonable and necessary repairs made by the railway company as aforesaid. 45 V. c. 21, s. 24.

Council to maintain highways at proper level where they approach or adjoin railway.

Company to maintain railway at proper level at street crossings.

25. Where such highway crosses or is intended to cross the railway of a railway company, without being carried over by a bridge or under by a tunnel, it shall be the exclusive duty of the council having jurisdiction over the same, to at all times establish, keep and maintain such street and highway so that the level of the same, where it approaches and adjoins the railway, shall, for a safe and reasonable distance, not rise above or sink below the railway more than one inch: and, subject to the provisions of the preceding section, it shall be the exclusive duty of the company so to keep and maintain that part of its railway so crossed by said street or highway, that it shall not

rise above or sink below the said level of the said highway more than one inch. 45 V. c. 21, s. 25.

26. No council in the carrying out of any work by this Act authorized shall commit any unnecessary damage or injury to or upon the railway or lands of any railway company, or unnecessarily or unreasonably impede or interfere with the traffic on or over such railway. 45 V. c. 21, s. 26.

Council not to do any unnecessary damage to railway.

27. Whenever and so long as any highway is established and opened for public use under the provisions of this Act, it shall be subject to the provisions of *The Railway Act of Ontario*, except in so far as may be otherwise provided by this Act. 45 V. c. 21, s. 27.

Highways opened under this Act to be subject to Rev. Stat. c. 170.

28. Subject to and except so far as may be necessary to carry out the provisions of this Act, and to allow of the full and free exercise of the powers hereby conferred, the rights of any railway company in the soil of any lands entered upon, taken or used under the powers contained in this Act shall not be disturbed or affected. 45 V. c. 21, s. 28.

Rights of railway not affected more than necessary.

29. Any commissioners authorized to construct any water-works may, in respect of such water-works, exercise and have all the power, liberties and privileges by this Act given to or conferred upon any council in respect of the laying down of any water pipe as aforesaid, but always subject to and under and with the terms, restrictions, conditions, liabilities, duties, and obligations in that behalf imposed by this Act upon such council. 45 V. c. 21, s. 29.

Act to apply to Commissioners for construction of water-works.

30. Where by any private or special Act heretofore passed, power is given to any council or municipal corporation, or to any water-works commissioners to carry water pipes belonging to or forming part of any water-works, in, upon, over, under, through or along the lands or railway of any railway company, such power shall only be hereafter exercised subject to the terms, restrictions and conditions in this Act contained. 45 V. c. 21, s. 30.

Powers as to water-works in special Act to be subject to this Act.

31. Service of any notice or paper required to be given or served, either by this Act or with respect to any arbitration as aforesaid under *The Municipal Act*, or of any proceedings therein or thereunder, may be made as follows:

Service of notice how made. Rev. Stat. c. 184.

1. In the case of a company, either by delivering the notice or paper to the president, vice-president, managing director, general manager, secretary or superintendent of the company, or by mailing the same, prepaid and registered, addressed to any such officer at the principal office or station of the company in Ontario;

2. In the case of a lessee of, or a contractor, working or operating a railway, either by delivering the notice or paper

to the lessee or contractor, or by mailing the same, prepaid and registered, addressed to him at the principal office or station on said railway within Ontario ;

3. In the case of a council, either by delivering the notice or paper to the head or clerk of the council, or by mailing the same, prepaid and registered, addressed to the said clerk at his proper post-office address;

4. In the case of commissioners, either by delivering the notice or paper to the chairman or secretary of the commissioners, or by mailing the same, prepaid and registered, addressed to said chairman or secretary, at his proper post-office address. 45 V. c. 21, s. 31.

Provisions of
Rev. Stat. c.
184 relating to
powers of
council as to
highways to
apply.

32. Where not inconsistent with this Act, all the provisions of *The Municipal Act* relating to the powers, liabilities and duties of a council as to public highways, shall apply to any highway established or opened, or intended to be established or opened, under the powers conferred by this Act. 45 V. c. 21, s. 32.

CHAPTER 200.

An Act to authorize and regulate the Use of Traction Engines on Highways.

TRACTION ENGINES MAY BE USED ON
HIGHWAYS, s. 1.

CONDITIONS :

Weight of engine, s. 2.

Speed, s. 3.

Width of wheels, s. 4.

Meeting and passing, ss. 5, 6.

Lights to be carried, s. 7.

In cities and towns, s. 8.

EXCLUSION FROM CERTAIN STREETS
IN CITIES AND TOWNS, s. 9.

BRIDGES ON NON-TOLL ROADS TO BE
STRENGTHENED, s. 10.

PROVISIONS AS TO TOLL ROADS :

Notice to gate-keepers, s. 11.

Bridges to be strengthened, ss.
12, 13.

Tolls, ss. 14, 15.

PENALTIES, ss. 16-19.

RECOVERY OF DAMAGES, s. 20.

REV. STAT. c. 159, s. 2, MADE APPLI-
CABLE TO TRACTION ENGINE COS.,
s. 21.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Traction en-
gines on high-
ways.

1. It shall be lawful for any person to employ traction engines for the conveyance of freight and passengers, or both, over any public highway in this Province, subject to the provisions hereinafter contained. R. S. O. 1877, c. 186, s. 1.

GENERAL CONDITIONS.

2. No traction engine, so employed, shall exceed in weight Weight. twenty tons. R. S. O. 1877, c. 186, s. 2.

3. The speed of any traction engine shall at no time exceed Speed. the rate of six miles per hour, and in cities, towns, and incorporated villages, the rate of three miles per hour. R. S. O. 1877, c. 186, s. 3.

4. The width of the driving wheels of all such engines shall Width of wheels. be at least twelve inches, and the wheels of the trucks or waggons drawn thereby shall be four inches in width for the first two tons capacity, load and weight of truck included, and an additional half inch for each further ton. R. S. O. 1877, c. 186, s. 4.

5. The provisions of *The Act to regulate Travelling on Public Highways and Bridges* shall be applicable to the running Rev. Stat. c. 195 applicable. of any traction engine upon the highway. R. S. O. 1877, c. 186, s. 5.

6. In case of any difficulty, or the prospect of any difficulty Hors. men or vehicles meeting or passing engine to stop. in the meeting or passing of an engine upon the highway by any mounted horseman or vehicle, it shall be the duty of the engine driver to stop the engine, and in every reasonable way to assist such mounted horseman, or the person in charge of such vehicle, to pass the engine. R. S. O. 1877, c. 186, s. 6.

7. Every engine run after dark shall carry a bright red light Lights to be carried after dark. in a conspicuous place in front, and a green light on the rear of the train. R. S. O. 1877, c. 186, s. 7.

IN CITIES AND TOWNS.

8. No engine shall be run through a city, town or village Running through city, town, etc. unless a messenger is sent at least fifteen and not more than thirty rods in advance, carrying a red flag by day and a bright red light by night. R. S. O. 1877, c. 186, s. 8.

9. In case the municipal corporation of any city or town Traction engines may be excluded from certain streets, but not entirely from passing through a municipality. deems it necessary to exclude traction engines from the right to pass through any particular street or streets within the municipality, it shall be lawful for such corporation to apply to the Judge of the County Court of the county within which the municipality is situated, and such Judge shall direct notice to be given to the owner of the engine, and upon the return of such notice may, in his discretion, make or refuse an order to prevent or regulate the running of engines upon certain streets: but it shall not be lawful under this section so to exclude the

engines from any streets as entirely to prevent their passage through the municipality by the then existing opened streets. R. S. O. 1877, c. 186, s. 9.

BRIDGES TO BE STRENGTHENED.

Parties running engines to strengthen bridges, etc.

10.—(1) Before it shall be lawful to run such engines over any highway whereon no tolls are levied, it shall be the duty of the person or persons proposing to run the same to strengthen, at his or their own expense, all bridges and culverts to be crossed by such engines, and to keep the same in repair so long as the highway is so used.

Owners of different engines to contribute.

(2) The costs of such repairs shall be borne by the owners of different engines in proportion to the number of engines run over such bridges or culverts. R. S. O. 1877, c. 186, s. 10.

SPECIAL PROVISIONS AS TO TOLL ROADS.

Notice before use of toll roads.

11. Before it shall be lawful to run a traction engine over any highway upon which a toll is established, it shall be the duty of the person proposing to run the same, to leave a notice in writing to that effect with the keeper of any toll-gate on such road, at least two months previous to the running of such engine, and the notice shall also contain a correct statement of the weight of the heaviest engine proposed to be used. R. S. O. 1877, c. 186, s. 11.

Owners of toll roads to strengthen bridges, etc.

12. The owner of such toll roads, within two months after the delivery of such notice as aforesaid, and upon receiving security to the amount of the cost of required improvements may cause all bridges and culverts upon the road to be so strengthened as, in the opinion of the county engineer of the county in which such bridge or culvert is situated, to render the same safe for the constant passing of the engines. R. S. O. 1877, c. 186, s. 12.

If they do not, owners of engines may do the work, to be reimbursed out of tolls.

13.—(1) In the event of the owners of such toll roads neglecting or refusing to comply with the requirements of the last preceding section, it shall be lawful for the parties about to run such engines themselves to do the necessary work at their own expense; such outlay to be repaid to them by the remission of tolls upon the passage of engines and trains through the gates upon such road, until the whole of such outlay is repaid.

Work to be done to satisfaction of County Engineer.

(2) The works shall be performed to the satisfaction of the county engineer or other officer appointed for that purpose by the municipality within which the highway or the greater part thereof is situated. R. S. O. 1877, c. 186, s. 13.

Tolls.

Provision for arbitration.

14. The owners of such toll roads may levy such tolls as may be imposed by them upon the passage of any engine or truck through every lawful gate; and if the owner of the engine is dissatisfied with the rate of toll, the same may be

referred to the decision of three arbitrators, one of whom shall be nominated by the owner of the engine, and one by the proprietors of the road, and the two so appointed shall choose a third, and the decision of the said arbitrators or the majority of them shall be binding; and in the event of the two arbitrators first appointed as aforesaid failing or neglecting within one month to appoint a third arbitrator as herein provided, then the appointment of such third arbitrator may be made by the County Judge of the county within which the said tolls are to be collected. R. S. O. 1877, c. 186, s. 14.

15. It shall be lawful for the owners of any such road to enforce the payment of the aforesaid tolls in the manner provided by law for the collection of the ordinary tolls upon such roads. Collection of tolls. R. S. O. 1877, c. 186, s. 15.

PENALTIES.

16. If any person contravenes this Act, and such contravention is duly proved by the oath of one credible witness before any Justice of the Peace having jurisdiction within the locality where the offence has been committed, the offender shall incur a penalty of not less than \$5, nor more than \$25, in the discretion of such Justice, with costs. Penalty for contravening Act. R. S. O. 1877, c. 186, s. 16.

17. If not paid forthwith, the penalty and costs shall be levied by distress and sale of the goods and chattels of the offender, under a warrant signed and sealed by the convicting Justice, and the overplus, if any, after deducting the penalty and costs and charges of sale, shall be returned, on demand, to the owner of the goods and chattels. To be enforced by distress. R. S. O. 1877, c. 186, s. 17.

18. In default of payment or distress, the offender shall, by warrant signed and sealed as aforesaid, be imprisoned in the common gaol for a period of not less than one day nor more than twenty days, at the discretion of the Justice, unless such fine, costs and charges are sooner paid. Or by imprisonment. R. S. O. 1877, c. 186, s. 18.

19. Every fine collected under this Act shall be paid to the treasurer of the local municipality in which the offence was committed, and shall be applied to the general purposes thereof. Application of fines. R. S. O. 1877, c. 186, s. 19.

20. No fine or imprisonment under this Act shall be a bar to the recovery of damages by the injured party before any Court of competent jurisdiction. Recovery of damages. R. S. O. 1877, c. 186, s. 20.

21. Section 2 of *The General Road Companies Act* shall apply to companies established for manufacturing or purchasing traction engines, and working the same. Rev. Stat. c. 159, s. 2, to apply. R. S. O. 1877, c. 186, s. 21.

CHAPTER 201.

An Act to encourage the Planting and Growing of Trees.

SHORT TITLE, s. 1.

PLANTING TREES ON HIGHWAYS, ss. 2, 3.

PROPERTY IN TREES, s. 3 (3, 4).

BONUS FOR TREES PLANTED ON HIGHWAYS, s. 4.

INSPECTOR, ss. 4 (2), 5.

ONTARIO TREE PLANTING FUND, ss. 6, 7.

PENALTIES, ss. 8, 9.

BY-LAWS RESPECTING TREES ON HIGHWAYS, s. 10.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Ontario Tree Planting Act.*" 46 V. c. 26, s. 1.

By-law necessary to make s. 3 apply to cities, etc.

2. Section 3 of this Act shall not apply to any incorporated city, town or village, unless the council thereof first passes a by-law making the same apply thereto. 46 V. c. 26, s. 3.

Planting trees.

3.—(1) A person owning land adjacent to any highway, public street, lane, alley, place or square in this Province, may plant trees on the portion thereof contiguous to his land; but no tree shall be so planted that the same is or may become a nuisance in the highway or other public thoroughfare, or obstruct the fair and reasonable use of the same.

(2) Any owner of a farm or lot of land may, with the consent of the owner or owners of adjoining lands, plant trees on the boundary lines of his farm or lot.

Property in trees.

(3) Every tree so planted on such highway, street, lane, alley, place or square, shall be deemed to be the property of the owner of the lands adjacent to such highway, street, lane, alley, place or square, and nearest to such tree; and every such tree so planted on a boundary line aforesaid shall be deemed to be the common property of the owners of the adjoining farms or lots. 46 V. c. 26, s. 4 (1-3).

(4) Every growing tree, shrub or sapling whatsoever planted or left standing on either side of any highway for the purposes of shade or ornament shall be deemed to be the property of the owner of the land adjacent to the highway and nearest to such tree, shrub or sapling. 47 V. c. 36, s. 1.

4.—(1) The council of any municipality may pass a by-law for paying out of municipal funds a bonus or premium not exceeding twenty-five cents for each and every ash, basswood, beech, birch, butternut, cedar, cherry, chestnut, elm, hickory, maple, oak, pine, sassafras, spruce, walnut, or whitewood tree, which shall, under the provisions of this Act, be planted within such municipality on any highway, or on any boundary line of farms as aforesaid, or within six feet of such boundary.

Municipal councils may grant a bonus for each ash tree, etc., planted on any highway, etc.

(2) Such by-law shall further provide for the appointment of an inspector of trees so planted: for their due protection against injury and against removal by any person or persons, including the owner, excepting as authority may be given therefor by special resolution of the council: for the conditions on which bonuses may be paid, and generally for such regulations as are authorized by sub-section 20 of section 479 of *The Municipal Act*.

Rev. Stat. c. 184.

(3) Printed copies of the said by-law, together with sections 3, 4, 5 and 6 of this Act, shall be posted throughout the municipality, and all claims made to the council under the provisions of the by-law shall be referred to the inspector to obtain proof of the same and report thereon. 46 V. c. 26, s. 5.

5. The inspector shall make to the council one report for each year, if required so to do, giving the names of all persons entitled to any bonus or premium under the by-law, the number of trees of each species planted, and the amount of bonus or premium to which each person is entitled, and certifying that the distance between any one tree and the tree nearest thereto is not less than thirty feet, that the trees have been planted for a period of three years, and that they are alive, healthy, and of good form; and upon the adoption of such report the bonuses or premiums shall be paid. 46 V. c. 26, s. 6.

Annual report by inspector.

6. The Treasurer of the Province, upon receiving a copy of the inspector's report, certified by the reeve and clerk, shall recoup to the treasurer of the municipality one-half of the sum paid by the municipality under the authority of this Act, the said copy to be forwarded on or before the 1st day of November in each year. 46 V. c. 26, s. 7.

Provincial Treasurer on receipt of report to refund to municipality half the sum paid.

7. The sum of \$50,000 is hereby apportioned and set apart for the object of the preceding section, and shall be known as "The Ontario Tree Planting Fund." 46 V. c. 26, s. 8.

Appropriation for Ontario Tree Planting Fund.

8.—(1) Any person who ties or fastens any animal to or injures or destroys a tree planted and growing upon any road or highway, or upon any public street, lane, alley, place or square in this Province (or upon any boundary line of farms, if any such bonus or premium as aforesaid has been paid therefor), or suffers or permits any animal in his charge to injure or destroy

Penalties.

or who cuts down or removes any such tree without having first obtained permission so to do by special resolution of the council of the municipality, shall, upon conviction thereof before a Justice of the Peace, forfeit and pay such sum of money not exceeding \$25 besides costs, as such Justice may award, and in default of payment the same may be levied of the goods and chattels of the person offending, or such person may be imprisoned in the common gaol of the county within which the municipality is situate for a period not exceeding thirty days.

(2) One half of such fine shall go to the person laying the information, and the other half to the municipality within which such tree was growing. 46 V. c. 26, s. 9.

Penalty for
injuring shade
or ornamental
trees growing
on boundary
line between
farms or lots.

9. Any person who ties or fastens any animal to, or injures or destroys any tree growing for the purposes of shade or ornament upon any boundary line between farms or lots or who suffers or permits any animal in his charge to injure or destroy or who cuts down or removes any such tree, without the consent of the owner or owners of such tree, shall be subject to the like penalties and liable to be proceeded against and dealt with as provided in the preceding section. 47 V. c. 36, s. 2.

By-laws
respecting
trees on high-
ways.

10. The council of every municipality may pass by-laws :

1. To regulate the planting of trees upon the public highway ;

2. To prohibit the planting upon the public highways of any species of trees which they may deem unsuited for that purpose ;

3. To provide for the removal of trees which may be planted on the public highway contrary to the provisions of any such by-law. 46 V. c. 26, s. 10.

6. NOXIOUS WEEDS AND DISEASES AFFECTING FRUIT TREES.

CHAP. 202.—TO PREVENT THE SPREAD OF NOXIOUS WEEDS AND DISEASES AFFECTING FRUIT TREES, p. 2249.

CHAPTER 202.

An Act to prevent the spread of Noxious Weeds, and of Diseases affecting Fruit Trees.

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| INTERPRETATION, s. 1. | Appointment, s. 3 (2). |
| DUTY OF OWNERS AND OCCUPANTS OF LAND, s. 2. | Duties, s. 4. |
| OPERATION OF ACT MAY BE EXTENDED, s. 3 (1). | Expenses, ss. 5-7. |
| EXEMPTION OF WASTE OR UNOCCUPIED LAND, s. 3 (3). | Duty on special complaint, s. 8. |
| INSPECTOR : | DUTY OF OVERSEERS OF HIGHWAYS, s. 9. |
| | PENALTIES, ss. 10, 11. |
| | COUNCILS TO ENFORCE ACT, s. 12. |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where used in this Act the term “non-resident land” shall apply to all lands which are unoccupied, and the owner of which is not resident within the municipality, and the term “resident lands” shall apply to all lands which are occupied or which are owned by persons resident within the municipality. 47 V. c. 37, s. 13.

Interpretation.
“Non-resident land.”
“Resident lands.”

2. It shall be the duty of every owner of land, or the occupant thereof if the owner is not resident within the local municipality wherein the same is situate—

Duty of owners and occupants as to destruction of weeds, etc.

1. To cut down or destroy all the Canada thistles, ox-eye daisy, wild oats, rag-weed and burdock growing on his land, and all other noxious weeds growing on his land, to which this Act may be extended by by-law of the municipality, so often each and every year as is sufficient to prevent the ripening of their seed;

2. To cut out and burn all the black-knot found on plum or cherry trees on his land, so often each and every year as it shall appear on such trees; and

3. To cut down and burn any peach, nectarine or other trees on his land infected with the disease known as the yellows, and to destroy all the fruit of trees so infected. 47 V. c. 37, s. 2.

Operation of
Act may be
extended.

3.—(1) The council of any city, town, township, or incorporated village may, by by-law, extend the operation of this Act to any other weed or weeds, or to any other disease of fruit trees or fruit which they declare to be noxious to husbandry or gardening in the municipality; and all the provisions of this Act shall apply to such noxious weeds and diseases as if the same were herein enumerated.

Appointment
of Inspector.

(2) Such council may and, upon a petition of fifty or more ratepayers, shall appoint at least one inspector to enforce the provisions of this Act in the municipality, and fix the amount of remuneration, fees or charges he is to receive for the performance of his duties; and in case a vacancy shall occur in the office of inspector, it shall be the duty of the council to fill the same forthwith.

Exemption of
waste or unoc-
cupied lands.

(3) The council of any township in which there are any large tracts or blocks of waste or unoccupied land, may upon the petition of not less than thirty ratepayers, by by-law, suspend the operation of this Act in respect of such waste or unoccupied lands; the by-law to define with sufficient clearness the tracts or blocks of land so exempted; such by-law to remain in force until repealed by such council; and until repealed the lands therein described shall be exempt from the operation of this Act. 47 V. c. 37, s. 3.

Duty of
Inspector.

4.—(1) It shall be the duty of the inspector to give or cause to be given notice in writing to the owner or occupant of any land within the municipality whereon the said noxious weeds are growing and in danger of going to seed (and in the case of property of a railway company, the notice shall be given to any station master of the company resident in or nearest to the municipality), requiring him to cause the same to be cut down or destroyed within ten days from the service of the notice; and it shall be the duty of the inspector to give or cause to be given such notice for the first time not later than the 10th day of July in each year, or such other earlier date as may be fixed by by-law of the municipality.

(2) In case such owner or occupant of land (or, if it be railway property, then the station master upon whom notice has been served) refuses or neglects to cut down or destroy all or any of the said noxious weeds within the period aforesaid, the inspector shall enter upon the land and cause such weeds to be cut down or destroyed with as little damage to growing crops as may be, and he shall not be liable to be sued therefor; or the inspector, instead of entering upon the land and causing such weeds to be cut down or destroyed, may lay information before any Justice of the Peace as to such

refusal or neglect, and such owner or occupant shall, upon conviction, be liable to the penalties imposed by section 10 of this Act.

(3) But no inspector shall have power to cut down or destroy noxious weeds on any land sown with grain; and where such noxious weeds are growing upon non-resident lands it shall not be necessary to give any notice before proceeding to cut down or destroy the same. 47 V. c. 37, s. 4.

5.—(1) The inspector shall keep an accurate account of the expense incurred by him in carrying out the provisions of the preceding sections of this Act with respect to each parcel of land entered upon therefor, and shall deliver a statement of such expenses, describing the land entered upon, and verified by oath, to the owner or occupant of resident lands, requiring him to pay the amount.

Account of Inspector's expenses and payment thereof.

(2) If any owner or occupant of land amenable under the provisions of this Act deems such expense excessive, an appeal may be had to the said council (if made within thirty days after the delivery of such statement), and the said council shall determine the matter in dispute.

(3) In case the owner or occupant of resident lands refuses or neglects to pay the same within thirty days after such request for payment, the said claim shall be presented to the council of the municipality in which such expense was incurred, and the said council is hereby authorized and required to audit and allow such claim, and order the same to be paid from the fund for general purposes of the said municipality. 47 V. c. 37, s. 5.

6. The inspector shall also present to the said council a similar statement, verified by oath, of the expenses incurred by him in carrying out the provisions of this Act upon any non-resident lands; and the council is hereby authorized and required to audit and allow the same, or so much thereof as to the council may seem just, and to pay so much thereof as has been so allowed. 47 V. c. 37, s. 6.

Provisions as to expenses in case of non-resident land.

7. The council of the municipality shall cause all such sums as have been so allowed and paid by the council under the provisions of this Act to be by the clerk severally placed upon the collector's roll of the municipality against the lands described in the statement of the inspector, and to be collected in the same manner as other taxes imposed by by-laws of the municipality. 47 V. c. 37, s. 7.

Collection of sums paid for expenses by municipality.

8. If written complaint be made to the inspector that yellows or black-knot exist within the municipality, in any locality described in such complaint, with reasonable certainty, he shall proceed to examine the fruit trees in such locality, and if satisfied of the presence of either disease he shall immediately give notice in writing to the owner or occupant of the land whereon

Duty of Inspector on special complaint.

the affected trees are growing, requiring him within five days from the receipt of the notice to deal with such trees in the manner provided by section 2 of this Act. 47 V. c. 37, s. 9.

Duty of overseers of highways.

9. It shall be the duty of the overseers of highways in any municipality to see that the provisions of this Act relating to noxious weeds are carried out within their respective highway divisions by cutting down or destroying or causing to be cut down or destroyed at the proper times to prevent the ripening of their seed, all the noxious weeds growing on the highways or road allowances within their respective divisions; such work to be performed as part of the ordinary statute labour, or to be paid for at a reasonable rate by the treasurer of the municipality, as the council of the municipality may direct. 47 V. c. 37, s. 8.

Penalties.

10.—(1) Any owner or occupant of land who refuses or neglects to cut down or destroy any of the said noxious weeds, after notice given by the inspector, as provided by section 4, or who knowingly suffers any of the said noxious weeds to grow thereon, and the seed to ripen so as to cause or endanger the spread thereof, or who suffers any black-knot to remain on plum or cherry trees, or keeps any peach, nectarine or other trees infected with yellows or the fruit of trees so infected, shall upon conviction be liable to a fine of not less than \$5 nor more than \$20 for every such offence.

(2) Any person who knowingly sells or offers to sell any grass, clover or other seed, or any seed grain among which there is seed of Canada thistles, ox-eye daisy, wild oats, rag-weed, burdock or wild mustard shall, for every such offence, upon conviction, be liable to a fine of not less than \$5 nor more than \$20.

(3) Any person who knowingly offers for sale or shipment or sells or ships the fruit of trees infected with yellows shall, upon conviction, be liable to a fine of not less than \$5 nor more than \$20.

(4) Every inspector, overseer of highways, or other officer, who refuses or neglects to discharge the duties imposed on him by this Act shall, upon conviction, be liable to a fine of not less than \$10 nor more than \$20. 47 V. c. 37, s. 10.

Recovery and application of penalties.

11. Every offence against the provisions of this Act shall be punished and the penalty imposed for each offence shall be recovered and levied, on summary conviction, before any Justice of the Peace; and all fines imposed shall be paid to the treasurer of the municipality in which the offence is committed, for the use of the municipality. 47 V. c. 37, s. 11.

Municipalities to require officers to enforce Act.

12. The council of every municipality in Ontario shall require its inspector, overseer of highways and other officers to faithfully discharge all their duties under this Act. 47 V. c.

7. PUBLIC MORALS.

CHAP. 203.—TO PREVENT THE PROFANATION OF THE LORD'S DAY, p. 2253.
 “ 204.—MINORS FREQUENTING BILLIARD ROOMS, p. 2258.

CHAPTER 203.

An Act to prevent the Profanation of the Lord's Day.

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|---------------------------------------|-------------------------------------|
| ACTS PROHIBITED, ss. 1-6. | Imprisonment, s. 14. |
| Sunday excursions, s. 7. | Limitation of prosecutions, s. 15. |
| SALES AND PURCHASES TO BE VOID, s. 8. | ACTIONS : |
| PENALTIES, ss. 7 (2), 9, 10. | Limitation, s. 16. |
| SUMMARY CONVICTIONS : | Notice of, s. 16. |
| Procedure, ss. 11, 12. | Tender of amends, s. 17. |
| Defects of form, s. 13. | Costs, s. 17. |
| | ACT NOT TO APPLY TO INDIANS, s. 18. |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. It is not lawful for any merchant, tradesman, artificer, mechanic, workman, labourer, or other person whatsoever on the Lord's Day, to sell or publicly show forth, or expose, or offer for sale, or to purchase, any goods, chattels, or other personal property, or any real estate whatsoever, or to do or exercise any worldly labour, business or work of his ordinary calling (conveying travellers or Her Majesty's Mail, by land or by water, selling drugs and medicines, and other works of necessity and works of charity only excepted). R. S. O. 1877, c. 189, s. 1.

No sales to take place on Sunday.

Or ordinary work.

Exception.

2. It is not lawful for any person on that day to hold, convene or to attend any public political meeting, or to tipple, or to allow or permit tipping in any inn, tavern, grocery or house of public entertainment, or to revel, or publicly exhibit himself in a state of intoxication, or to brawl or use profane language in the public streets or open air, so as to create any riot or disturbance, or annoyance to Her Majesty's peaceable subjects. R. S. O. 1877, c. 189, s. 2.

Political meetings, tipping, etc., prohibited on Sunday.

Games and
amusements
prohibited.

3. It is not lawful for any person on that day to play at skittles, ball, foot-ball, rackets, or any other noisy game, or to gamble with dice or otherwise, or to run races on foot, or on horseback, or in carriages, or in vehicles of any sort. R. S. O. 1877, c. 189, s. 3.

Hunting and
shooting.

4. Except in defence of his property from any wolf or other ravenous beast or a bird of prey, it is not lawful for any person on that day to go out hunting or shooting, or in quest of, or to take, kill or destroy, any deer or other game, or any wild animal, or any wild fowl or bird, or to use any dog, gun, rifle or other engine, net or trap, for the above mentioned purpose. R. S. O. 1877, c. 189, s. 4.

Fishing.

5. It is not lawful for any person on that day to go out fishing, or to take, kill or destroy any fish, or to use any gun, fishing-rod, net or other engine for that purpose. R. S. O. 1877, c. 189, s. 5.

Bathing.

6. It is not lawful for any person on that day to bathe in any exposed situation in any water within the limits of any incorporated city or town, or within view of any place of public worship, or private residence. R. S. O. 1877, c. 189, s. 6.

Sunday
excursions
prohibited.

7.—(1) Sunday excursions by steamboats plying for hire, or by railway, or in part by any such steamboat and in part by railway, and having for their only or principal object the carriage of Sunday passengers for amusement or pleasure only and to go and return on the same day by the same steamboat or railway, or any other, owned by the same persons or company, shall be unlawful, and shall not be deemed a lawful conveying of travellers within the meaning of this Act.

Penalty.

(2) The owner of any steamboat or railway by which any such Sunday excursion is wholly or partly made shall, for each offence against this section, forfeit and pay the sum of \$400, to be recovered in any Court having jurisdiction in civil cases to that amount, by any person suing for the same under this section and for the purposes thereof.

Procedure.

(3) The action for the recovery of any penalty incurred under this section must be brought before a Court having jurisdiction, as aforesaid, in the place from which the steamboat or train employed in the unlawful excursion, on which the action is founded, started, or through, or at which it passed or stopped in the course thereof.

Application
of penalties.

(4) All sums of money recovered under the provisions of this section shall be appropriated as follows:—One moiety thereof to the plaintiff, and the other moiety to the municipality of the city, town, village or place from which the unlawful excursion started, to be applied for the purposes of the municipality.

(5) The word "owner" in this section, includes a corporation. "Owner," meaning of. Act not to apply to ferries.

(6) This section shall not apply to ferries or to steamboats when employed thereon.

(7) The captain or other person in charge of any steamboat and the conductor or other person in charge of any train, used for the purpose of any such Sunday excursion shall be liable to the penalties prescribed by this Act for violations thereof; and the said penalties shall be recoverable, and applied in like manner as other penalties under this section. 48 V. c. 44, ss. 1-7. Liability of captain or other person in charge.

8. All sales and purchases, and all contracts and agreements for sale or purchase, of any real or personal property whatsoever, made by any person or persons on the Lord's Day, shall be utterly null and void. R. S. O. 1877, c. 189, s. 7. Sales and agreements made on Sunday to be void.

9. Any person convicted before a Justice of the Peace of any act hereinbefore declared not to be lawful, upon the oath or affirmation of one or more than one credible witness, or upon view had of the offence by the said Justice himself, shall for every such offence be fined in a sum not exceeding \$40, nor less than \$1, together with the costs and charges attending the proceedings and conviction. R. S. O. 1877, c. 189, s. 8. Penalty.

10. All sums of money awarded or imposed as fines or penalties, by virtue of this Act, shall be paid as follows, that is to say: one moiety thereof shall be paid to the party charging the offence in writing before the Justice, and the other moiety to the treasurer of the county or city wherein the offence was committed, to be by him accounted for in the same manner as for other moneys deposited with or paid over to him. R. S. O. 1877, c. 189, s. 9. Application of penalties.

11. Where any person has been charged upon oath or otherwise, in writing, before any Justice of the Peace, with any offence against this Act, the said Justice shall summon the person so charged to appear before him, at a time and place to be named in the summons, and if such person fails or neglects to appear accordingly, then (upon proof of due service of the summons upon such person, by delivering or leaving a copy thereof at his house, or usual or last place of abode, or by reading the same over to him personally) the said Justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person, and bringing him before himself, or some other Justice of the Peace having jurisdiction within the same county or municipality; and the Justice before whom the person charged appears or is brought, shall proceed to hear and determine the case, or the said Justice, on view of the offence, may verbally order, or if on the complaint of a third party, then may, in writing, order the offender to be at once committed (although it be on the Lord's Day) to the common gaol of the place, or into other safe custody, there to Justice to summon accused party. Commitment.

remain until the morrow, or some other day, according to circumstances, until the case be heard and disposed of. R. S. O. 1877, c. 189, s. 10.

Form of conviction.

12. The Justice before whom any person is convicted of any offence against this Act, may cause the conviction to be drawn up in the form of the Schedule to this Act, or in any other form of words to the same effect as the case may require. R. S. O. 1877, c. 189, s. 11.

Conviction and commitment not to be void for want of form.

13. A conviction under this Act shall not be quashed for want of form; nor shall any warrant of commitment be held void by reason of any defect therein, if it is therein alleged that the party has been convicted, and there is a good and valid conviction to sustain the commitment. R. S. O. 1877, c. 189, s. 12.

In default, may levy fine.

14. In default of payment of any fine imposed under this Act, together with the costs attending the same, within the period by the Justice of the Peace, before whom such conviction takes place, specified for the payment thereof at the time of conviction, such Justice of the Peace (if he deems it expedient so to do) may issue his warrant, directed to any constable, to levy the amount of such fine and costs within a certain time, to be in the said warrant expressed; and in case no distress sufficient to satisfy the amount is found, he may commit the offender to the common gaol of the county wherein the offence was committed for any term not exceeding three months, unless the fine and costs are sooner paid. R. S. O. 1877, c. 189, s. 13.

Commitment.

Limitation of time for prosecution.

15. The prosecution for any offence punishable under this Act shall be commenced within one month after the commission of the offence, and not afterwards. R. S. O. 1877, c. 189, s. 14.

When actions etc., are to be tried.

16. Subject to the provisions of Section 7 of this Act, all actions and prosecutions against any person for anything done in pursuance of this Act, shall be laid and tried in the county where the fact was committed, and shall be commenced within six months after the fact committed, and not afterwards; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one month at least before the action, and in any such action the defendant may plead not guilty by statute, and give this Act and the special matter in evidence at any trial had thereupon. R. S. O. 1877, c. 189, s. 15.

Defendant may plead not guilty by Statute.

Tender of amends, etc.

17. No plaintiff shall recover in such action, if tender of sufficient amends is made before such action brought, or if a sufficient sum of money is paid into Court after such action brought by or on behalf of the defendant; and if a verdict passes for

the defendant, or the plaintiff becomes non-suited, or discontinues any such action after issue joined, or if upon demurrer or otherwise judgment be given against the plaintiff, the defendant may recover his full costs as between solicitor and client, and have the like remedy for the same as any defendant has by law in other cases. R. S. O. 1877, c. 189, s. 16.

Defendant if
successful to
have full
costs.

18. This Act shall not extend to the people called Indians. R. S. O. 1877, c. 189, s. 17.

Not to extend
to Indians.

SCHEDULE.

(Section 12.)

Be it remembered, that on the day of
A. D. 18 , at , in the County of (or at the
City of , as the case may be), A. B., of , is
convicted before me, C. D., one of Her Majesty's Justices of the Peace for
the said County (or City as the case may be), for that he the said A. B. did
(specify the offence, and the time and place when and where the same was
committed, as the case may be); and I, the said C. D., adjudge the said
A. B., for his offence to pay (immediately, or on or before the
day of) the sum of and also the sum of for costs; and in
default of payment of the said sums respectively, to be imprisoned in the
Common Gaol of the said County (or City as the case may be) for the space
of months, unless the said sums are sooner paid; and I direct
that the said sum of (the penalty) shall be paid as follows,
that is to say: one moiety thereof to the party charging the offence, and
the other moiety to the Treasurer of the County (naming the one in which
the offence was committed, or of the said City, as the case may be), to be by
him applied according to the provisions of chapter 203 of the Revised
Statutes of Ontario, 1887, entitled, *An Act to prevent the Profanation of
the Lord's Day*.

Given under my hand and seal, the day and year first above mentioned.

C. D., J. P. [L. S.]

R. S. O. 1877, c. 189, Schedule.

CHAPTER 204.

An act to prevent Minors frequenting Billiard Rooms and other Places.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Fine on first and subsequent offence; how recoverable; one-half to informer.

1. The keeper of a licensed billiard, pool or bagatelle room, who directly or indirectly keeps the same for hire or gain, admitting a minor under the age of sixteen years thereto, or allowing him to remain therein, without the consent of his parent or guardian, shall be subject to a fine of not exceeding \$10, for the first, and not exceeding \$20 for each subsequent offence, to be imposed by any Justice of the Peace, one-half of which fine shall go to the informer; provided always that this Act shall not apply to a minor who is a member of the family of the keeper or his servant, or who does not go to the billiard, pool or bagatelle room for the purpose of loitering, or to play billiards, pool or bagatelle therein; nor shall this Act apply to any case where the keeper, in the opinion of the Justice of the Peace, had reasonable cause to believe that such consent had been given by the parent or guardian, or that such minor was not under the age of sixteen. 49 V. c. 41, s. 1.

Proviso.

8. PUBLIC HEALTH.

CHAP. 205.—PUBLIC HEALTH, p. 2259.

“ 206.—VACCINATION AND INOCULATION, 2294.

CHAPTER 205.

An Act respecting the Public Health.

SHORT TITLE, s. 1.

INTERPRETATION, s. 2.

PROVINCIAL BOARD OF HEALTH:

Board continued, s. 3.

Salaries and allowances, ss. 4, 5, 7.

Secretary, ss. 5, 6.

Meetings of board, s. 8.

Duties of board, ss. 9-12.

Regulations of board, ss. 13-21.

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VINCIAL BOARD, s. 30.

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54, 65.

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s. 57.

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specting, ss. 58, 59.

Local board to give notice requiring
abatement of nuisances, s. 60.

Power where nuisance due to cause
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offensive trades, s. 63.

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nuisance involves considerations
of difficulty, s. 64.

Inspection of dairies, creameries
and dairy farms, s. 65.

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premises, ss. 66, 67.

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s. 104.

When application to abate nuisance
must be made to High Court,
s. 105.

EXAMINATION OF HOUSE, ETC., BY
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REMOVAL BY HEALTH OFFICERS OF IN-
HABITANTS OF A HOUSE, s. 69.

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PROCEEDINGS NOT TO BE QUASHED
FOR WANT OF FORM, OR REMOVED
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BY-LAWS APPLICABLE TO ALL MUNICI-
PALITIES, s. 113.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

Short title. 1. This Act may be cited as "*The Public Health Act*," 47 V. c. 38, s. 1.

Interpretation. 2. Where the following words occur in this Act, or the schedules thereto, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears :

"Owner." 1. "Owner" means, the person for the time being receiving the rent of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person, or who would so receive the same if such lands and premises were let ;

"Health district," "District," "Local Board," and "Board." 2. "Health District" or "District" means any local municipality, or union of local municipalities, under the jurisdiction of a Local or District Board of Health, and "Local Board" or "Board" shall include a District Board ;

"House." 3. "House" includes schools, factories and other buildings, huts and tents used for human habitation or work, whether such use is permanent or temporary, and whether the same are stationary or movable ;

"Street." 4. "Street" shall include every highway, road, square, row, lane, mews, court, alley and passage, whether a thoroughfare or not. 47 V. c. 38, s. 2.

PROVINCIAL BOARD OF HEALTH.

Organization—Powers and Duties.

Provincial Board of Health continued. 3. The provincial board of health of Ontario at present existing, is hereby continued and shall consist of not more than seven members one of whom may be the secretary of the board ; the members thereof shall be appointed by the Lieutenant-Governor in Council from time to time for a period of three years, and any retiring member shall be eligible for re-appointment ; at least four members of the board shall be duly registered medical practitioners. 45 V. c. 29, s. 1.

Salaries and allowance of chairman and members of the board. 4. The chairman of the board shall be appointed by the Lieutenant-Governor in Council, and shall be paid an annual salary not exceeding the sum of \$400 per annum ; other members of the board, except the secretary, shall be paid such per diem allowance while attending meetings of the board, or any committee thereof, as may be voted by the Legislature and approved by the Lieutenant-Governor in Council, together with actual travelling and other necessary expenses while employed on the business of the board. 50 V. c. 34, s. 7.

Appointment of secretary. 5. The Lieutenant-Governor in Council may appoint a competent and suitable person as secretary of the board, who shall hold office during pleasure, and who may be paid an

annual salary not exceeding \$1,750 per annum, and who shall be the chief health officer of the Province. 45 V. c. 29, s. 7; 50 V. c. 34, s. 8.

6. The secretary shall keep his office at Toronto, and perform the duties prescribed by this Act or required by the board; he shall keep a record of the transactions of the board and shall, so far as practicable, communicate with other provincial or state boards of health, and with the local boards of health, and health officers within the Province, and with municipal councils and other public bodies, for the purpose of acquiring or disseminating information concerning the public health; and he shall also use such means as are practicable to induce municipal councils to appoint health officers or local boards of health within their municipality: he shall also assist in preparing the annual report of the registrar-general in relation to the vital statistics of the Province, and shall perform such other duties and functions relating to vital statistics and otherwise as may be assigned to him by the Lieutenant-Governor in Council. 45 V. c. 29, s. 8. Duties of secretary.

7. The expenses of the said provincial board and the salaries of the chairman and secretary shall be paid out of such moneys as may, from time to time, be appropriated by the Legislature for that purpose. 45 V. c. 29, s. 21; 47 V. c. 38, s. 8. Payment of salaries and expenses.

8. The board shall meet quarterly at Toronto, and at such other places and times as may be fixed under a resolution of the board. Three members shall be a quorum for the transaction of business, and they shall have power to make and adopt rules and by-laws regulating the transaction of its business, and may provide therein for the appointment of committees, to whom they may delegate authority and power for the work committed to them. 45 V. c. 29, s. 5; 47 V. c. 38, s. 10. Meetings of board.

9. The provincial board of health shall take cognizance of the interests of health and life among the people of the Province; they shall especially study the vital statistics of the Province, and shall endeavour to make an intelligent and profitable use of the collected records of deaths and of sickness among the people; they shall make sanitary investigations and inquiries respecting causes of disease, and especially of epidemics; the causes of mortality and the effects of localities, employments, conditions, habits, and other circumstances upon the health of the people; they shall make such suggestions as to the prevention and introduction of contagious and infectious diseases, as they shall deem most effective and proper, and as will prevent and limit as far as possible the rise and spread of disease; they shall enquire into the measures which are being taken by local boards for the limitation of any existing Duties of board.

dangerous, contagious or infectious disease, through powers conferred upon said local boards by any Public Health Act, and should it appear that no efficient measures are being taken and that the said powers are not being enforced, it shall be competent for the provincial board, in the interests of the public health, to require the local board to exercise and enforce any of the said powers which, in the opinion of the provincial board, the urgency of the case demands; and in any such case where the local board, after request by the provincial board, neglect or refuse to exercise their powers, the provincial board may, with the approval of the Minister of the department under which the board is for the time being acting, exercise and enforce at the expense of the municipality any of the powers of local boards which under the circumstances they may consider necessary, and they shall, when required or when they deem it best, advise officers of the Government and local boards of health in regard to the public health, and as to the means to be adopted to secure the same, and as to location, drainage, water supply, disposal of excreta, heating and ventilation of any public institution or building. 45 V. c. 29, s. 3; 50 V. c. 34, s. 6.

Information
to be pub-
lished.

10. The board shall from time to time, and especially during the prevalence in any part of the Province of epidemic, endemic or contagious disease, make public distribution of such sanitary literature, and of special practical information relating to the prevention and spread of contagious and infectious diseases through the medium of the public press, and by circular to local boards of health and health officers, municipal councils, and in and through the public schools and otherwise as shall be deemed by them in the interest of the public health. 45 V. c. 29, s. 4.

Investigations
of causes of
contagious or
other disease.

11. With the concurrence of that member of the Executive Council to whose department the provincial board of health is for the time being assigned by the Lieutenant-Governor in Council, the board may send its secretary, or any member or members of the board, to any part of the Province when deemed necessary to investigate the cause or causes of any contagious or other disease or mortality; and at such investigation evidence may be taken on oath or otherwise as the said secretary, member or members may deem expedient; and in such case the secretary, or any member of the board present at the investigation, may administer the oath; and the said investigating committee shall have power, by warrant under the hand and seal of any one of its members, to call upon any person to give evidence regarding any matter in question in the investigation; and the investigating committee shall have all the powers which may be conferred upon commissioners under *The Act respecting Inquiries concerning Public Matters*. 47 V. c. 38, s. 11.

12. It shall be the duty of the provincial board of health to see that a supply of proper vaccine matter is obtainable at all times at such vaccine farms and other places as are subject to inspection by the board. 50 V. c. 34, s. 9. Supply of vaccine matter.

13. Whenever this Province, or any part thereof or place therein appears to be threatened with any formidable epidemic, endemic, or contagious disease, the provincial board of health may, subject to the approval of the Lieutenant-Governor in Council, issue such regulations as the board deems necessary, for the prevention, as far as possible, or the mitigation of disease, and may make, renew or alter any such regulations, or substitute new regulations; and the said board may, by such regulations, provide: Powers of Provincial Board to make regulations for prevention or mitigation of disease.

1. For the frequent and effectual cleansing of the streets, yards, and out-houses, by the local health authorities, or by the owners or occupiers of houses and tenements adjoining thereto;

2. For the removal of nuisances;

3. For the cleansing, purifying, ventilating and disinfecting of houses, churches, buildings, and places of assembly, railway stations, steamboats, railway carriages and cars, as well as other public conveyances by the owners and occupiers, and persons having the care and ordering thereof;

4. For regulating, so far as this Legislature has jurisdiction in this behalf, with a view of preventing the spread of infectious disease, the entry or departure of boats or vessels at the different ports or places in Ontario, and the landing of passengers or cargoes from such boats or vessels, or from railroad carriages or cars, and the receiving passengers or cargoes on board of the same;

5. For the safe and speedy interment of the dead, and the conduct of funerals, with a view of preventing the spread of infectious diseases as aforesaid;

6. For supplying medical aid and accommodation, and medicine, and such other articles as may be deemed necessary for mitigating such epidemic, endemic, or contagious disease;

7. For house to house visitation;

8. For preventing or mitigating such epidemic, endemic or contagious disease in such other manner as to the said provincial board seems expedient; 47 V. c. 38, s. 3.

9. For the inspection of houses, schools, churches, railway stations and other buildings, steamboats, vessels, railway carriages and cars and public conveyances by the local board or some officer, and the cleansing, purifying and disinfecting thereof, and anything contained therein when required by such board or officer at the expense of the owner, Inspection of railway stations, steamboats, etc.

occupier, or the person having the care and ordering thereof, and for detaining for this purpose any such steamboat, vessel, railway carriage and car or public conveyance and anything contained therein, so long as may be necessary, and any person travelling thereby; 48 V. c. 45, s. 12, *part*; 50 V. c. 34, s. 10.

Restraining departure of persons and conveyances. 10. For preventing the departure of persons from infected localities, and for preventing persons or conveyances from passing from one locality to another, and for detaining persons or conveyances who or which have been exposed to infection, for inspection or disinfection until the danger of infection is past:

Sanitary police. 11. For requiring the appointment of sanitary police, to be paid by the municipalities in which they act, for the purpose of assisting and carrying out the health regulations in force in the municipality; 48 V. c. 45, s. 12, *part*.

Removal of persons. 12. For the removal or keeping under surveillance of persons living in infected localities. 48 V. c. 45, s. 12, *part*; 50 V. c. 34, s. 11.

Local Boards to see to execution of regulations. 14. It shall be the duty of the local boards of health to superintend and see to the execution of any regulations made by the provincial board; or to execute, or aid in executing the same within their respective districts; and to do and provide all such acts, matters and things as are necessary for superintending or aiding in the execution of such regulations, or for executing the same as the case may require. 47 V. c. 38, s. 4.

Provincial Board may determine extent to which regulations are to apply. 15. The provincial board of health may, by order, declare all or any of the regulations so made, to be in force within the whole or any part or parts of the district of any local board of health or any municipality, and, so far as this Legislature has jurisdiction, to apply to boats, vessels, railway carriages and cars, or other conveyances in any portion or portions of the Province. 47 V. c. 38, s. 5.

Publication of orders and regulations. 16. All orders and regulations so made shall take effect from the approval thereof, and shall be forthwith published in the *Ontario Gazette* and at least one newspaper within the district or portion or portions of the Province, in which they shall be declared in force. 47 V. c. 38, s. 6.

Conflicting by-laws of Local Board suspended. 17. During the time that any such orders or regulations are in force in any health district as provided by the next preceding four sections of this Act, all by-laws of the local board of such district which, in any manner, conflict with any such order or regulations, shall be suspended. 47 V. c. 38, s. 7.

Regulations confirmed. 18. All regulations made by the provincial board of health and approved by the Lieutenant-Governor in Council, and published in the *Ontario Gazette*, on the 5th of September 1885, are hereby declared to have been valid regulations, and in force until and unless repealed or amended. 49 V. c. 42, s. 9.

19. All regulations made by the provincial board of health are to be laid before the Legislative Assembly, if then in session; and if not then in session, within fourteen days after the commencement of the next session. 49 V. c. 42, s. 10. Regulations to be laid before Legislature.

20. The expenses incurred by the provincial board of health in connection with any epidemic shall be defrayed out of any moneys appropriated by the Legislature specially for that purpose, and the expenses incurred by the said local boards of health, or by the medical health officer or sanitary police, in the execution or in superintending the execution of the regulations of the provincial board, shall be defrayed and provided for by the municipal corporations having jurisdiction over the respective places affected. 47 V. c. 38, s. 8; 48 V. c. 45, s. 13. Expenses of Provincial and Local Boards, now defrayed.

21. The local board of health or the provincial board of health may also, from time to time, direct any prosecution or legal proceedings for, or in respect of, the wilful violation or neglect of any such regulation. 47 V. c. 38, s. 9; 48 V. c. 45, s. 14. Prosecution for neglect of regulation.

Acquiring Land.

22. The provincial board of health may also, subject to the approval of the Lieutenant-Governor, issue regulations for taking possession of any land or any unoccupied building thereon, by the authority of the said provincial board of health, local board, or health officers, for any of the purposes mentioned in sections 13, 14 or 97, of this Act, but such regulations shall not authorize the taking or obtaining for the hospital of any municipality any land or buildings outside the limits of of such municipality. 49 V. c. 42, s. 2. Power to take possession of land or unoccupied building.

23. In case of actual or apprehended emergency, such possession may be taken without a prior agreement with the owner of the land or building and without his consent, and may be retained for such period as may appear to the board, or officers who took possession thereof, to be necessary. 49 V. c. 42, s. 3. Cases of emergency.

24. Written notice containing a reasonable description of the land shall, within five days after the taking or obtaining possession be given by the board or officer so taking or obtaining possession thereof, to the clerk of the local municipality wherein the land is situate; such notice shall be given whether possession is taken or obtained with the consent of the owner or otherwise. 49 V. c. 42, s. 4. Notice to municipal clerk.

25. Where possession is taken without the consent of the owner, the board or health officer by whom or under whose direction or authority possession is taken, shall within five days thereafter give notice thereof to the owner; such notice to be Proceedings where owner not consenting party.

according to the form contained in schedule C hereto annexed, or to the like effect. In the event of any owner not being known, or not being resident within the Province of Ontario, or of his residence therein being unknown to the board or health officer required to give the notice, such board or health officer shall cause the notice to be published for two insertions in some local newspaper having a circulation within the municipality wherein the property is situate, and shall mail to the last known address (if any) of the owner a copy of the notice in a registered letter prepaid, and such publication shall be sufficient notice to the owner. 49 V. c. 42, s. 5.

Compensation.

26. The owner of any land or building shall be entitled to compensation from the local municipality wherein the land or building is situate, for the use and occupation thereof, including any damages arising from such use and occupation, such compensation to be agreed upon between the municipal council of the local municipality and the owner; and in case they do not agree, the Judge of the County Court of the county wherein the property is situate, shall summarily determine the amount of the compensation, and the terms of payment, in such manner, and after giving such notices, if any, as he sees fit. 49 V. c. 42, s. 6.

Order for possession.

27. Where any resistance or forcible opposition is offered or apprehended to possession being taken of any land or building under this Act, or under any regulation which may be made by virtue thereof, the Judge of the County Court may, without notice to any person, issue his warrant to the sheriff of the county, or to any other person as he may deem most suitable, requiring him to put the board or health officer, their or his servants or agents in possession, and to put down such resistance or opposition which the sheriff or bailiff (taking with him sufficient assistance) shall accordingly do. 49 V. c. 42, s. 7.

Restriction as to use of land or building.

28. No land or building to be used for the purposes of this Act shall be nearer than 150 yards to an inhabited dwelling. 49 V. c. 42, s. 8.

Proceedings on complaint to Provincial Board of default of local authority.

29.—(1) Where information is obtained by the provincial board that any remediable unsanitary condition or nuisance exists in any municipality, and that the local health authorities have after proper representation of the facts, neglected or refused to take such efficient measures as might remove such condition or abate such nuisance, it shall be competent for the provincial board of health to institute an investigation, and, if necessary, take sworn evidence concerning the condition or nuisance complained of.

(2) If, upon such investigation it is proved that such remediable unsanitary condition or nuisance exists, it shall be within the province of the provincial board to direct

its immediate removal or abatement by the person responsible therefor, and to report the same to the Minister for the time in charge of the department; and if such person neglects or refuses to remove or abate the same, the provincial board of health may cause such removal or abatement to be made, and collect the expenses therefor from such person, by ordinary process of law. 47 V. c. 38, s. 37.

30.—(1) Whenever the establishment of a public water supply or system of sewerage shall be contemplated by the council of any city, town or village, it shall be the duty of the said council to place itself in communication with the provincial board of health, and to submit to the said board, before their adoption, all plans in connection with said system.

Plans relating to proposed public water supply or system of sewerage to be submitted to Provincial Board.

(2) It shall be the duty of the provincial board of health to report whether, in its opinion, the said system is calculated to meet the sanitary requirements of the inhabitants of the said municipality; whether any of its provisions are likely to prove prejudicial to the health of any of the said inhabitants, together with any suggestions which it may deem advisable; and to cause copies of said report to be transmitted to the Minister of the department to which the said provincial board of health is attached, and to the clerk of the municipal council, and the secretary of the local board of health of the district interested.

(3) No sewer, or appliance for the ventilation of the same, shall be constructed in violation of any of the principles laid down by the provincial board of health, subject to appeal to the Lieutenant-Governor in Council. 47 V. c. 38, s. 38.

Medical Board of Health—Medical Health Officer.

31. Where from the presence of any formidable contagious disease in any locality the provincial board of health considers the appointment of a medical health officer necessary for the municipality in which such disease exists, or for any neighbouring municipality, and requests the council of any such municipality to appoint a medical health officer the council shall forthwith appoint a properly qualified medical practitioner, to be medical health officer for the municipality. 48 V. c. 45, s. 2.

Appointment of Health Officer by municipal councils.

32. If a council does not appoint a medical health officer within five days after a request in that behalf made by the provincial board, which request may be served upon the head of the council or its clerk, or mailed to either of such officers by registered letter-post, the Lieutenant-Governor upon the recommendation of the provincial board may appoint a medical health officer for such municipality. 48 V. c. 45, s. 3.

By Provincial Board.

33. Every medical health officer appointed by the municipal council shall hold office during the pleasure of the council

Duration of office.

and if, under the preceding section the medical health officer is appointed by the Lieutenant-Governor, he shall hold office until the 1st day of February in the year following that in which he is appointed; Provided always, that the municipal council may at any time, upon a two-thirds vote of its members, dismiss any medical health officer for a neglect of duty; and the decision of such council shall be final and shall not render the corporation liable for any damages; the medical health officer shall be entitled to compensation for services actually rendered up to the time of such dismissal, but the amount of such compensation shall not exceed the salary he would have earned up to the time of such dismissal, and if his salary up to such time is paid such payment shall be a bar to any other claim for services rendered. 48 V. c. 45, s. 4.

Compensation
in case of dis-
missal.

Vacancy in
office, how
filled.

34. Whenever, during the presence of any communicable contagious disease in any municipality or neighbouring locality any medical health officer becomes temporarily or permanently incapable of performing his duties, or resigns his office, or leaves the locality for which he has been appointed, the council shall forthwith appoint another medical health officer in his room. 48 V. c. 45, s. 5.

Class of several
municipalities
united into one
health district.

35. Where two or more municipalities are united into a health district, the provisions of the preceding four sections of this Act shall apply, except that the power and duty of appointing or removing a medical health officer shall be with the district board of health, unless the councils of the municipalities composing such health district have, previous to any request in that behalf being made by the provincial board, united in appointing a medical health officer for such municipalities, and the Lieutenant-Governor may, in case of their default, appoint a medical health officer for such district. 48 V. c. 45, s. 6.

Compensation
of Medical
Health Officer.

36. In case the appointment of a medical health officer is made by the provincial board of health he shall be entitled to recover from the municipality reasonable compensation for his services. 48 V. c. 45, s. 7.

His powers.

37. Where a medical health officer is appointed he shall possess all the powers and authority possessed by any health officer or sanitary inspector under this Act, and such medical health officer shall perform all duties imposed upon him by any regulations of the provincial board of health, and the fact that similar duties are by statute imposed upon the local board of health shall not relieve the medical health officer from the performance of such duties. 48 V. c. 45, s. 8.

Suspension of Municipal and School Elections.

Suspension of
municipal and
school
elections.

38. (1) In case the provincial board of health reports to the Lieutenant-Governor that on account of the presence in any municipality of an epidemic or contagious disease it would be

dangerous to hold an election in such municipality, the Lieutenant-Governor may, upon application by the council of the municipality in that behalf, issue his proclamation postponing the holding of any intended municipal or school election, for a period not exceeding three months, and may from time to time further postpone such election if in the opinion of the said board the necessity for postponement continues.

(2) The Lieutenant-Governor may, by his said proclamation, name the days for holding the nomination and polling for the election, but in case no days are named therefor, the council shall, as soon as practicable after the period named in such proclamation, or the last of such proclamations, expires, by by-law name days for the nomination and polling.

(3) In case an election postponed under the provisions of this section is the annual election, or an election of the entire council, or of all the members of a board of trustees or other body the members of the council, board or other body shall continue to hold office until their successors are elected. 48 V. c. 45, s. 9.

LOCAL BOARDS OF HEALTH.

Organization.

39.—(1) There shall be a local board of health in each township and incorporated village, to be composed of the reeve, clerk and three ratepayers, to be appointed annually by the municipal council. Local Boards of Health, their constitution and appointment.

(2) There shall be a local board of health in each town containing less than four thousand inhabitants according to the municipal enumeration of the previous year, to consist of the mayor, clerk and three ratepayers, to be appointed annually by the municipal council.

(3) There shall be a local board of health for each city and for each town containing more than four thousand inhabitants, according to the municipal enumeration of the previous year, to consist of the mayor and eight ratepayers, to be appointed annually by the municipal council. 47 V. c. 38, s. 12 (2-4).

40. The appointments of members of the board shall be made at the first meeting of the municipal council after being duly organized, and any vacancy arising from any cause shall be filled at the first meeting thereafter of the municipal council: but, if for any reason appointments are not made at the proper dates, the same shall be made as soon as may be thereafter. 47 V. c. 38, s. 13 (2). Appointment of members of Board.

41. Two or more councils may, by concurrent by-laws, unite their respective municipalities into a health district: and any of such councils may withdraw its municipality from the Union of municipalities in one Health District.

district by a by-law passed prior to the 1st day of December of any year, and to take effect on the third Monday of January following. 47 V. c. 38, s. 14.

Constitution
of District
Boards of
Health.

42. The members of the district boards of health shall consist of three members of each municipality included in the district, namely, the head of the council, the municipal clerk, and one other ratepayer not a member of the council, to be appointed by the council. 47 V. c. 38, s. 15.

Powers of Dis-
trict Boards.

43. Every district board thus constituted and its members shall, in respect of the health district for which it acts, possess the same powers, be subject to the same regulations, and perform like duties as a local board of health of a municipality and its members. 47 V. c. 38, s. 16.

Officers of
Local or Dis-
trict Boards.

44. Every local or district board shall elect a chairman, and the clerk of the municipal council shall be the secretary of the local board, and the district board may elect one of its members, or appoint some other person as its secretary. 47 V. c. 38, s. 17.

Secretary to
report to sec-
retary of Pro-
vincial Board
the names of
members.

45. It shall be the duty of the secretary to report to the secretary of the provincial board of health the names of the members of the local board within one month after its first regular meeting which shall be held on the second Monday after the members, who are not members *ex officio*, have been appointed. 47 V. c. 38, s. 18.

Provincial
Board may
appoint to
Local Board
in case Council
neglects to do
so.

46. When any municipal council neglects or refuses to elect members or a member of the local or district board of health as required by this Act, the provincial board of health may appoint a duly qualified ratepayer or ratepayers to be a member or members of such local or district board of health to act with the *ex officio* or other members. 47 V. c. 38, s. 19.

Appointment
of Medical
Health Officer
and Sanitary
Inspector.

47. Every municipal council may appoint a medical health officer and a sanitary inspector or inspectors for the municipality, and may fix the salaries to be paid them, or two or more councils may unite in the appointment of any of these officers. 47 V. c. 38, s. 20.

Powers and Duties.

Appropriation
for work.

48. The municipal council or councils may vote such sums as are deemed necessary by the local or district board for the carrying on of its work. 47 V. c. 38, s. 21.

Municipal
treasurer to
pay by order
of local board.

49. The treasurer of the municipality shall forthwith upon demand pay out of any moneys of the municipality in his hands the amount of any order given by the members of the

local board, or any two of them, for services performed under their direction by virtue of this Act. R. S. O. 1877, c. 190, s. 28 ; 47 V. c. 38, s. 12 (1).

50. The members of the local and district boards shall be called health officers, and shall have the powers and duties assigned to such officers by this Act; and any two or more of them acting in the execution of any regulations of the provincial board of health may exercise the powers and authorities conferred by sections 68 and 69. R. S. O. 1877, c. 190, s. 25; 47 V. c. 38, ss. 12 (1), 22. Health officers.

51. A majority of the number of any regularly constituted board shall be a quorum for the transaction of business. 47 V. c. 38, s. 23. Quorum.

52. A minute book shall be provided in which the secretary shall record the proceedings of the local board of health. The secretary shall draft an annual report of the sanitary work done during the year, and of the sanitary condition of the municipality, for the consideration of the board, which report, when adopted, shall be transmitted to the secretary of the provincial board of health. The said report shall include the annual report of the medical health officer. 47 V. c. 38, s. 24. Duties of Secretary.

53. Whenever any local board of health has any authority to direct that any matter or thing should be done by any person or corporation, such local board of health may also, in default of its being done by the person, direct that such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof with costs by action or distress; and, in case of non-payment thereof, the same shall be recovered in like manner as municipal taxes. 47 V. c. 38, s. 25. Mode in which Local Board may enforce its authority.

Nuisances, etc.

54. All butchers selling within the limits of any municipality shall, on the request of the health authorities, make affidavit as to the place or places at which the slaughter of their meat is carried on, and where this is outside of the limits of the municipality such slaughter-houses shall be open to inspection by the inspector or medical health officer of the municipality where the meat is offered for sale. In case of refusal to make such affidavit and permit said inspection, said butchers shall be subject to the penalties prescribed under section 106 of this Act, should the sale of meat be continued by them after notification to discontinue has been given by the medical health officer. 50 V. c. 34, s. 4. Inspection of slaughter-houses.

55. The local board of health of any municipality or district in which supplies of ice are obtained, sold and stored, shall have power to adopt such regulations regarding the source of supply, Regulation of ice supplies.

and the place of storage of the same, as shall in their opinion be the best, adapted to secure the purity of the ice, and prevent injury to the public health. The powers and duties of all local boards in this respect shall extend to the supervision of ice supplies, whether obtained within or outside the municipality, whenever the ice cut is intended for use within the municipality in which the board has jurisdiction. 50 V. c. 34, s. 2.

Duty of Local Board to inspect districts for detection of nuisances.

56. It shall be the duty of every local board of health to cause to be made, from time to time, inspection of its district, in order to prevent the accumulation within the district of any dirt, filth or other thing which may endanger the public health, and with a view to ascertain what nuisances exist calling for abatement under the powers of this Act, and to enforce the provisions of this Act, in order to abate every such nuisance. 47 V. c. 38, s. 28.

Powers of medical health officer.

57. A medical health officer of a municipality may exercise any of the powers conferred upon health officers by sections 66, 67 and 70 of this Act, and may without being specially authorized by the board, exercise any powers which under section 68 can be conferred upon two medical practitioners, and the board may act on his report. 47 V. c. 38, s. 29.

Information of nuisances to Local Board.

58. Information of any nuisance or unsanitary condition under this Act within the jurisdiction of any local board may be given to such local board by any person aggrieved thereby, or by any two inhabitant householders, or by any officer of such local board, or by any constable or officer of the police force within the jurisdiction of the board. 47 V. c. 38, s. 30.

Investigation to be made by Local Board.

59. Whenever such information has been so given, it shall be the duty of the local board of health to investigate the cause of the complaint; and to hear the testimony of all persons who may be produced before it to testify in respect of such matter; and every local board or any two of its members shall have the same authority as a Justice of the Peace to require and compel the attendance of witnesses and the giving of evidence. 47 V. c. 38, s. 31.

Local Board, to serve notice requiring abatement of nuisances.

60. Whenever the local board of health is satisfied of the existence of the nuisance, it shall serve a notice on the person by whose act, default or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance exists or from which the same arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works, and do such things, as may be necessary for that purpose, provided:

First,—That where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner ;

Second,—That where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act or default of the owner or occupier of the premises, and it is therefore improper that such owner or occupier should be required to abate the said nuisance, the local board of health may abate the nuisance at the expense of the municipality or district. 47 V. c. 38, s. 32 ; 50 V. c. 34, s. 12.

61. Where a nuisance in a municipality or district appears to be wholly or partially caused by some act or default committed or taken place outside of the municipality or district, the board of health of the municipality or district may take or cause to be taken against the person by whose act or default the nuisance is caused in whole or in part, any proceedings in relation to nuisances by this Act authorized, with the same incidents and consequences, as if such act or default were committed or took place wholly within its jurisdiction, so, however, that summary proceedings shall in no case be taken otherwise than before a Court having jurisdiction in the municipality or district where the act or default is alleged to be committed or take place. 47 V. c. 38, s. 33.

Power to proceed where cause of nuisance arises without district.

62. All reasonable costs and expenses incurred in abating a nuisance shall be deemed to be money paid for the use and at the request of the person by whose act, default or sufferance the nuisance was caused, and such costs and expenses shall be recovered by the municipal council or local board of health or person incurring the same, under ordinary process of law ; and the Court shall have power to divide costs, expenses and penalties between persons by whose acts or defaults a nuisance is caused as to it may seem just. 47 V. c. 38, s. 34.

Recovery of costs and expenses incurred in abating nuisances.

63. In case a person establishes, without the consent of the municipal council of the locality, any offensive trade, that is to say, the trade of :

Restriction on establishment of offensive trades.

Blood boiling, or
 Bone boiling, or
 Refining of coal oil, or
 Extracting oil from fish, or
 Storing of hides, or
 Soap boiling, or
 Tallow melting, or
 Tripe boiling, or
 Slaughtering of animals, or
 The manufacturing of gas, or

any other noxious or offensive trade, business or manufacture, or such as may become offensive, he shall be liable to a penalty

not exceeding \$250 in respect of the establishment thereof; and any person carrying on a business so established shall be liable to a penalty not exceeding \$10 for every day on which, after notice in writing by the local board, or an officer thereof, to desist, the offence is continued, whether there has or has not been any conviction in respect of the establishment thereof. 47 V. c. 38, s. 35.

Provision where abatement of nuisance involves considerations of difficulty.

64.—(1) If, on an investigation by any local board of health, any nuisance or thing prejudicial to health is found to exist in a municipality in which it has jurisdiction; and if, after the board has required the removal or abatement of the same within a specified time, the board finds that default in such removal or abatement has been made, and the case seems to the board one involving considerations of difficulty owing to the fact that such removal or abatement involves the expenditure or loss of a considerable sum of money, or that any trade or industry is seriously interfered with, or owing to other circumstances, the local board of health may apply to the provincial board of health to investigate and report upon the same, and it shall be the duty of the provincial board, with the approval of the Minister of the department, to make a full investigation and report.

(2) If the report recommends the removal or abatement of the nuisance or thing, the local board or any ratepayer residing in the municipality, or within a mile thereof, may apply to the High Court, for an order for the removal or abatement of the nuisance or unsanitary condition, and to restrain the proprietors of any such industry from carrying on the same until the said nuisance shall have been abated to the satisfaction of the provincial board of health; and the Court may issue such order upon the report of the provincial board of health. 47 V. c. 38, s. 36.

Inspection of dairies, etc., and slaughter-houses.

65. The medical health officer under the direction of the local board of health shall have authority to make or cause to be made by a veterinary surgeon, or such other competent person, as the circumstances may require, a periodic inspection of all dairies, cheese factories and creameries, dairy farms, and slaughter-houses, which come within his or their jurisdiction. 50 V. c. 54, s. 5.

Health officers may enter and examine premises.

66. The health officers of any municipality or any two of them, may, in the day time, as often as they think necessary, enter into and upon any premises in the place for which they hold office, and examine such premises. R. S. O. 1877, c. 190, s. 3.

Power to order cleansing.

67. If upon such examination they find that the premises are in a filthy or unclean state, or that any matter or thing is there which, in their opinion, may endanger the public health, they

or any two of them, may order the owner or occupant of the premises to cleanse the same and to remove what is so found there. R. S. O. 1877, c. 190, s. 4; 47 V. c. 38, s. 12 (1).

68. Such health officers or a majority of them may also, by warrant under their hands, authorize any two medical practitioners to enter in and upon any house, out-house, or premises in the day time for the purpose of making enquiry and examination with respect to the state of health of any person therein: and may also, upon the report of such medical practitioners in writing recommending the same, cause any person found therein infected with a dangerously contagious or infectious disease to be removed to some hospital or other proper place; but no such removal shall take place unless the said medical practitioners state in their said report that such person can be removed without danger to life, and that such removal is necessary in order to guard against the spread of such disease to the adjoining house or houses. R. S. O. 1877, c. 190, s. 6; 47 V. c. 38, ss. 12 (1), 22.

Medical men may be authorized by the officers to examine.

On report of medical men, persons infected may be removed.

69. Where a disease of a malignant and fatal character is discovered to exist in any dwelling-house, or out-house temporarily occupied as a dwelling, in a city, town, village or township in Ontario, or within a mile thereof, and such house is situated in an unhealthy or crowded part of the city, town, village or township or adjoining country, or is in a filthy and neglected state, or is inhabited by too many persons, the health officers of the municipality or a majority of them may, at the expense of the municipality, compel the inhabitants of such dwelling-house or out-house to remove therefrom, and may place them in sheds or tents, or other good shelter, in some more salubrious situation, until measures can be taken under the direction and at the expense of the municipality, for the immediate cleansing, ventilation, purification, and disinfection of such dwelling-house or out-house. R. S. O. 1877, c. 190, s. 7; 47 V. c. 38, ss. 12 (1), 22.

When inhabitants of a house may be removed.

70. In case the owner or occupant of any dwelling or premises neglects or refuses to obey the orders given by the health officers, such health officers may call to their assistance all constables and peace officers, and such other persons as they think fit, and may enter into such dwelling or premises, and cleanse the same, and execute or cause to be executed therein the regulations of the provincial board of health or any by-law of the municipality, and remove therefrom and destroy whatsoever it is necessary to remove or destroy for the preservation of the public health. R. S. O. 1877, c. 190, ss. 5, 26; 47 V. c. 38, s. 12 (1).

Powers of officers if their orders disobeyed.

71. Where under the provisions of this Act, or of any municipal by-law, the local board or any health officer removes any dirt, filth, refuse, debris, or other thing which is likely to endanger the public health or to become or cause a nuisance, or

Authority to dispose of refuse, etc., after removal.

which is, or is causing a nuisance, such dirt, filth, refuse or other thing shall be subject to the disposition of the local board, or, if the officer is acting under a by-law of a municipal council, shall be subject to the disposition of the council, and the owner of such thing shall have no claim in respect thereof 48 V. c. 45, s. 10.

Infectious Diseases and Hospitals—Provisions against Infection.

Local Board to notify owner of premises requiring to be cleansed and disinfected.

72. Where a local board of health is of opinion, on the certificate of its medical health officer or of any other legally qualified medical practitioner, that the cleansing and disinfecting of any house, or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease it shall be the duty of such local board of health to give notice in writing to the owner or occupier of such house or part thereof, requiring him to cleanse and disinfect, to the satisfaction of the medical health officer, such house or part thereof and articles, within a time specified in such notice. 47 V. c. 38, s. 41.

Penalty, if notice not complied with.

73. If the person to whom notice is given fails to comply therewith, he shall be liable to a penalty of not less than twenty-five cents and not exceeding \$2 for every day during which he continues to make default; and the local board of health shall cause such house, or part thereof, and articles, to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default in a summary manner. 47 V. c. 38, s. 42.

Special provision in case of poverty of owner.

74. Where the owner or occupant of any house or part thereof is, from poverty or otherwise, unable, in the opinion of the local board of health, efficiently to carry out the requirements of the preceding two sections, such local board of health may, without enforcing such requirements on the owner or occupier, cleanse or disinfect such house, or part thereof, and articles, and defray the expense thereof. 47 V. c. 38, s. 43.

Carriage for conveyance of persons suffering from disease or accident.

75. Any local board of health may provide, maintain, or hire a carriage or carriages, suitable for the conveyance of persons suffering from disease or accident, and may pay the expense of conveying therein any person so suffering to a hospital or other place of destination. 47 V. c. 38, s. 45.

Isolation of persons having small-pox, etc.

76. The health officers of any municipality, or the local board of health, or any committee thereof, may isolate any person having the small-pox or other disease dangerous to the public health, and may cause to be posted up on or near the door of any house or dwelling in which such person is a notice stating that such disease is within the said house or dwelling. 45 V. c. 29, s. 16.

77. Whenever any householder knows that any person within his family or household has the small-pox, diphtheria, scarlet fever, cholera, or typhoid fever, he shall (subject, in case of refusal or neglect, to the penalties provided by sub-section 2 of section 106) within twenty-four hours give notice thereof to the local board of health, or to the medical health officer of the district in which he resides, and such notice shall be given either at the office of the medical health officer, or by a communication addressed to him and duly mailed within the time above specified, and in case there is no medical health officer then to the secretary of the local board of health either at his office or by communication as aforesaid. 47 V. c. 38, s. 46.

Notice to be given by householder in case of small-pox, etc.

78. No householder in whose dwelling there occurs any of the above mentioned diseases, shall permit any persons suffering from any such disease, or any clothing or other property to be removed from his house, without the consent of the board or of the medical health officer, or attending physician, and the said board, or medical health officer, or attending physician, shall prescribe the conditions of such removal. 47 V. c. 38, s. 47.

Householder not to permit removal of person or of clothing.

79. No person sick with any of the diseases above specified shall be removed at any time except by permission and under direction of the board of health, or medical health officer, or attending physician, nor shall any occupant of any house in which there exists any of the above diseases, except typhoid fever, change his or her residence to any other place without the consent of the board or of the medical health officer, or attending physician, who shall in either case prescribe conditions, as aforesaid. 47 V. c. 38, s. 48.

Removal of sick persons and others in same household.

80. Whenever any physician knows that any person whom he is called upon to visit is infected with small-pox, scarlet fever, diphtheria, typhoid fever, or cholera, such physician shall (subject in case of refusal or neglect to the penalties provided by sub-section 2 of section 106) within twenty-four hours give notice thereof to the local board of health, or medical health officer of the municipality in which such diseased person is, and in such manner as is directed, by rules 2 and 3 of section 17, of schedule A. 47 V. c. 38, s. 49.

Report to be made by Physician.

81. When the small-pox, scarlet fever, diphtheria, cholera, or any other contagious disease, dangerous to the public health, is found to exist in any municipality, the health officers or local board of health shall use all possible care to prevent the spreading of the infection or contagion, and shall give public notice of infected places by such means as, in their judgment, is most effective for the common safety. 47 V. c. 38, s. 50.

Precautions to be taken against spread of infection.

Sick person or persons having access to the sick not to mingle with general public.

82. Except the attending physician or clergyman, no person affected with small-pox, scarlet fever, diphtheria, or cholera, and no person having access to any person affected with any of said diseases shall mingle with the general public until such sanitary precautions as may be prescribed by the local board or attending physician shall have been complied with. 47 V. c. 38, s. 51.

Power to enter on steamboats, etc.

83.—(1) Where there is reason to suspect that any person who has the small-pox, diphtheria, scarlet fever, cholera, or typhoid fever, is in or upon any railway car, steamboat, stage, or other conveyance, the medical health officer or sanitary inspector of the municipality, or, if there is no such officer, any member of the local board of health, may enter such conveyance and cause any such person to be removed therefrom, and may detain the conveyance until it is properly disinfected; or such officer or member may, if he thinks fit, remain on or in, or re-enter and remain on or in, the said conveyance (with any assistants he may require) for the purpose of disinfecting the same, and his authority as a health officer shall continue in respect of such person and conveyance, notwithstanding the conveyance is taken into any other municipality.

(2) Any member or officer of the provincial board of health, or any medical practitioner authorized by such board, shall have the like authority. 47 V. c. 38, s. 52.

Isolation of persons infected or who have been exposed to infection.

84. In case any person coming from abroad, or residing in any municipality within the Province, is infected, or lately before has been infected with, or exposed to any of the said diseases, the health officers or local board of health of the municipality, where such person may be, may make effective provision in the manner which to them shall seem best for the public safety, by removing such person to a separate house, or by otherwise isolating him, if it can be done without danger to his health, and by providing nurses and other assistance and necessities for him at his own cost and charge, or the cost of his parents or other person or persons liable for his support, if able to pay the same, otherwise at the cost and charge of the municipality. 47 V. c. 38, s. 53.

Persons recovering from sickness, and nurses to take precautions against spread of disease.

85. Persons recovering from any of the said diseases, and nurses who have been in attendance on any person suffering from any such disease, shall not leave the premises till they have received from the attending physician, or medical health officer, a certificate that in his opinion they have taken such precautions as to their persons, clothing and all other things which they propose bringing from the premises, as are necessary to insure the immunity from infection of other persons with whom they may come in contact, nor shall any such person

expose him or herself in any public place, shop, street, inn, or public conveyance without having first adopted such precautions. 47 V. c. 38, s. 54.

86. All persons named in the last preceding section shall be required to adopt for the disinfection and disposal of excreta, and for the disinfection of utensils, bedding, clothing and other things which have been exposed to infection, such measures as have been, or may hereafter be, advised by the provincial board of health or by the medical health officer, or such as may have been recommended by the attending physician as equally efficacious. 47 V. c. 38, s. 55.

Measures necessary for disinfection to be adopted

87. No person suffering from, or having very recently recovered from, smallpox, diphtheria, scarlet fever, cholera, measles, or other disease dangerous to public health, shall expose himself, nor shall any person expose any one under his charge, who is so suffering or who has recently recovered from any such disease, in any conveyance without having previously notified the owner or person in charge of such conveyance of the fact of his having, or having recently had, such disease. 47 V. c. 38, s. 56.

Notice to be given to person in charge of conveyance to certain cases.

88. The owner or person in charge of any such conveyance must not, after the entry of any so infected person into his conveyance, allow any other person to enter it without having sufficiently disinfected it under the direction of the board of health or the supervision of the medical health officer, or sanitary inspector. 47 V. c. 38, s. 57.

Conveyance to be disinfected.

89. No person shall give, lend, transmit, sell or expose any bedding, clothing or other article likely to convey any of the above diseases, without having first taken such precautions as the board may direct as necessary for removing all danger of communicating any such disease to others. 47 V. c. 38, s. 58.

Precautions to be taken in respect of clothing, etc.

90. Any local board of health may provide a proper place or portable furnace, with all necessary apparatus and attendance, for the disinfection of bedding, clothing or other articles which have become infected, and may cause all such articles to be disinfected free of charge, or may make reasonable charges for the disinfecting of the same as may be provided by by-law. 47 V. c. 38, s. 59.

Provision of means of disinfection.

91. Any local board of health may direct the destruction of any bedding, clothing or other articles, which have been exposed to infection, and may give compensation for the same. 47 V. c. 38, s. 60.

Destruction of infected bedding, etc.

92. No person shall let or hire any house or room in a house in which any of the diseases mentioned in section 77 have recently existed, without having caused the house and the premises used in connection therewith to be disinfected to the

Houses or rooms occupied by persons to be disinfected before being let.

satisfaction of the health authorities; and for the purposes of this section the keeper of an inn or house for the reception of lodgers shall be deemed to let for hire part of a house, to any person admitted as a guest into such inn or house. 47 V. c. 38, s. 61.

Persons letting houses not to make false statements as to infectious diseases.

93. No person letting for hire or shewing for the purpose of letting for hire any house or part of a house, on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of there previously having been therein any person suffering from any infectious disorder, or any animal or thing infected thereby, shall knowingly make a false answer to such questions. 47 V. c. 38, s. 62.

Notice of existence of infectious diseases to be given where persons are attending school.

94. Whenever a case of smallpox, cholera, scarlatina, diphtheria, whooping cough, measles, mumps, glanders, or other contagious disease, exists in any house or household belonging to which are persons attending school, the householder shall, within eighteen hours of the time such disease is known to exist, notify the head teacher of such school or schools, and also the secretary of the local board of health, of the existence of such disease; and no member of such household shall attend school until a certificate has been obtained from the medical health officer, or legally qualified medical practitioner, that infection no longer exists in the house, and that the sick person, house, clothing and other effects have been disinfected to his satisfaction; and until such certificate shall have been obtained, it shall be the duty of every member of the household, and of the teacher, to use all reasonable efforts to prevent the association of members of the said household with other children.

(2) Whenever the local board of health, or any of its officers or members know of the existence in any house of smallpox, cholera, scarlatina, diphtheria, whooping cough, measles, mumps, glanders, or other contagious disease, they shall at once notify the head or other master of the school or schools at which any member of the household is in attendance; and should it not be evident that said member has not been exposed to said diseases, or any of them, the teacher must forthwith prevent such further attendance until the several members present a certificate stating that infection no longer exists, as provided in the preceding sub-section.

(3) Whenever a teacher in any school has reason to suspect that any pupil has, or that there exists in the home of any pupil any of the above mentioned diseases, he shall be required to notify the medical health officer or, where none such exists, the local board of health on forms supplied by the school authorities, in order that evidence may be had of the truthfulness of the report; and he shall further be required to prevent the attendance of said pupil or pupils until medical evidence of the falsity of the report has been obtained. 50 V. c. 34, s. 1.

95. Every municipality may establish or erect, and may also maintain, one or more hospitals for the reception of persons having the small-pox or other disease which may be dangerous to the public health; or any two or more municipalities may join in establishing, erecting, or maintaining the same; but no such hospital shall be erected by one municipality within the limits of another municipality without first obtaining the consent of such other municipality to the proposed erection. 45 V. c. 29, s. 12.

Municipalities may establish hospitals for small-pox patients, etc.

96. When any hospital shall be so established, the physician attending the same, or the sick therein, the nurses, attendants, and all persons who shall approach or come within the limits of the same, and all such furniture and other articles as shall be used or brought there, shall be subject to such regulations as shall be made by the health officers or local boards of health. 45 V. c. 29, s. 13.

Regulation of hospital, sick, etc.

97. In case the small-pox, or any other disease dangerous to the public health, breaks out in any municipality, the health officers or local board of health, in case the municipality shall not have already provided the same, shall immediately provide such a temporary hospital, hospital-tent or other place or places of reception for the sick and infected, as they shall judge best for their accommodation and the safety of the inhabitants, at the cost of the municipality, and for that purpose may:

Power of Local Board to provide hospitals.

1. Themselves erect such hospital-tents, hospitals, or places of reception; or

2. Contract for the use of any such hospital or part of a hospital or place of reception; or

3. Enter into any agreement with any person having the management of any hospital, for the reception of the sick inhabitants of their district, on payment of such annual or other sum as may be agreed on; or

4. Two or more local boards of health may combine in providing a common hospital. 47 V. c. 38, s. 44.

98. Such hospital or place of reception shall be subject to such regulations as shall be made by the health officers or local boards of health. 45 V. c. 29, s. 14.

Regulations.

99.—(1) Any medical health officer or sanitary inspector may, at all reasonable times, inspect or examine any animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour, or milk exposed for sale, or deposited in any place for the purpose of sale, or for preparation for sale, and intended for food for man; the proof that the same was not exposed or deposited for any such purpose, or was not intended for food for man, resting with the party charged; and if

Power of Medical Health Officer or Sanitary Inspector to inspect meat, etc.

any such animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour or milk, appears to such medical officer or inspector to be diseased, or unsound, or unwholesome, or unfit for food for man, he may seize and carry away the same, or cause it to be seized and carried away, in order that he may cause it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for food for man.

(2) The person to whom the same belongs, or did belong at the time of exposure for sale, or in whose possession or on whose premises the same was found, shall be liable to a penalty not exceeding \$100 for every animal, carcase, or fish, or piece of meat, flesh or fish, or any poultry or game, or for the parcel of fruit, vegetables, grain, bread or flour, or for the milk so condemned; or, at the discretion of the convicting justices or magistrate, without the infliction of a fine, to imprisonment for a term of not more than three months. 47 V. c. 38, s. 39.

Penalty for hindering officer from inspecting meat, etc.

100. Any person who in any manner prevents any health officer or sanitary inspector from entering any premises and inspecting any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour or milk exposed or deposited for the purpose of sale and intended for food for man; or who obstructs or impedes any such medical officer, or inspector, or his assistant when carrying into execution the provisions of this Act, shall be liable to a penalty not exceeding \$25. 47 V. c. 38, s. 40.

Use of Force.—Assistance by Constables, etc.

Powers for purpose of disinfecting things or persons.

101. Where a local board of health, or any health officer, is required or empowered, under this Act or any public health Act, or under any regulations made thereunder, to disinfect any person or thing, or to isolate any person, such board or officer may use such force and employ such assistance as is necessary in order to accomplish what is required. 48 V. c. 45, s. 11.

Officer if obstructed may summon assistance.

102. Any member of a legally constituted board of health or any medical health officer or sanitary inspector may, when obstructed in the performance of his duty, call to his assistance any constable or other person he thinks fit, and it shall be the duty of every such constable so called upon to render such assistance. 47 V. c. 38, s. 64.

Appeal to County Judge.

Appeal to County Judge in certain cases.

103. Where the order of any local board of health or health officer involves an expenditure of more than \$100, the party against whom the order is made, or anyone chargeable with such expenditure, or any part thereof, may within

four days from his being served with a copy of such order in writing, appeal therefrom to the County Judge, who shall have full authority to vary or rescind the order made, and any order so varied may be enforced by the board or officer in the same manner as an order originally made by the board or officer. 47 V. c. 38, s. 26.

EXPENSES IN RESPECT OF ABATEMENT OF NUISANCES.

104.—(1) Any costs or expenses recoverable from an owner of premises under this Act, or under any provision of law in respect of the abatement of nuisances, may be recovered from the occupier for the time being of such premises; and the owner shall allow such occupier to deduct any moneys which he pays under this enactment out of the rent from time to time becoming due in respect of said premises, as if the same had actually been paid to such owner as part of said rent: Provided, that no such occupier shall be required to pay any further sum than the amount of rent for the time being due from him, or which after demand of such costs or expenses from such occupier, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuses truly to disclose the amount of his rent and the name and address of the person to whom rent is payable; but the burden of proof that the sum demanded from such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall be on such occupier. Recovery of costs and expenses of execution of provisions relating to nuisances.

(2) Nothing in this section contained shall affect any contract between any owner or occupier of any house, building or other property whereby it is, or may be, agreed that the occupier shall pay or discharge all rates and dues and sums of money payable in respect of such house, building or other property, or affect any contract, whatever between landlord and tenant. 47 V. c. 38, s. 27. Proviso.

PENAL CLAUSES.

105. No determination or order of the provincial or local board of health for the removal or abatement of any nuisance shall be enforced, except by order of the High Court, where such removal or abatement involves the loss or destruction of property of the value of \$2,000 or upwards, and upon any application to the High Court the order of the provincial or local board shall not be evidence that the matter or thing complained of was or is in fact a nuisance. 48 V. c. 45, s. 15 (4). Where application in respect of nuisance must be made to High Court.

106.—(1) Every person violating sections 87, 88, 89, 92 or 93 of this Act shall be liable for every such offence to a penalty Penalty for violating ss. 87, 89, 92, 93

of not less than \$5 nor more than \$50 in the discretion of the convicting Justices or Magistrate, besides costs which may also be inflicted if the convicting Justices or Magistrate see fit to impose the same.

Penalty for
offences
against Act.

(2) Any person who violates any other provision of this Act shall, unless it is otherwise specially provided, be liable for every such offence to a penalty not exceeding \$20, in the discretion of the convicting Justices or Magistrate, besides costs, which may also be inflicted if the convicting Justices or Magistrate see fit to impose the same. 47 V. c. 38, s. 65 (1, 2).

Penalty for
violating
regulations of
Provincial
Board of
Health.

(3) Any person who violates any regulation of the provincial board of health shall be liable for every such offence to a penalty not exceeding \$20 in the discretion of the convicting Justices or Magistrate, besides costs which may also be inflicted, if the convicting Justices or Magistrate see fit to impose the same.

Defaults and
omissions.

(4) Where any person has been convicted of an offence under this Act, or under any regulation or by-law enacted or in force thereunder, and such offence is in the nature of an omission or neglect, or is in respect of the existence of a nuisance or other unsanitary condition, which it is such person's duty to remove, or is in respect of the erection or construction of anything contrary to the provisions of this Act, or of any regulation or by-law enacted or in force thereunder then, in case the proper authority in that behalf gives reasonable notice to such person to make good such omission or neglect, or to remove such nuisance or unsanitary condition, or to remove the thing which has been erected or constructed contrary to this Act, or to such regulation or by-law, and default is made in respect thereto, the person offending may be convicted for such default, and shall be liable to the same punishment as was, or might have been, imposed for the original offence, and so on, from time to time, as often as after another conviction a new notice is given and the default continues; and in the case of a third or subsequent conviction, it shall not be necessary in the information, conviction or other proceedings to make any reference to any conviction except the first, or to any notice except that in respect of which the proceedings are then being taken. 48 V. c. 45, s. 15 (2, 3).

Recovery of
penalties.

107. Every penalty imposed by or under this Act may be recovered by any person before any two Justices or a Police Magistrate having jurisdiction in the municipality, and shall be levied by distress and sale of the goods and chattels of the offender, with the costs of such distress and sale, by warrant under the hands and seals of the Justices, or the hand and seal of the Police Magistrate, before whom the same is recovered, or under the hands and seals of any

other two Justices having jurisdiction in the municipality, and in default of sufficient distress the said Justices or Magistrate may commit the offender to the common gaol, or to any lock-up, or house of correction in the said municipality for any time not exceeding fourteen days, unless the amount imposed is sooner paid. 47 V. c. 38, s. 66 (1).

108. In case any person, from poverty or other sufficient cause, is unable to comply with the provisions of this Act or any of them, he shall give notice of such inability to the medical health officer or secretary of the local board of health, and in case the local board on examination is satisfied of the sufficiency of the cause of such inability, the secretary thereof shall give his certificate to that effect, and such certificate shall be a bar to all proceedings against such person for the period of six months. 47 V. c. 38, s. 66 (2).

Provision where non compliance caused by poverty, &c.

109. In all cases where any person deems himself injuriously affected, through the refusal or neglect of any person to carry out the directions of the sanitary inspector or the local board of health under sections 5, 6 or 7 of Schedule A, it shall be lawful for him to lay information before a Justice of the Peace or Police Magistrate when, after evidence has been given of the violation of any of these sections, the offender or offenders shall be made liable to the penalties imposed under section 18 of the said schedule. 50 V. c. 34, s. 3.

Remedy by tenant when board neglects action.

110. Every penalty recovered under this Act shall be paid to the treasurer of the municipality in which the offence was committed, for the use of the local board of health and subject to its disposition. 47 V. c. 38, s. 67.

Application of penalties.

111. Where any act or omission is a violation of any express provision of this Act and is also a violation of a by-law of a municipality in respect of a matter over which the council of the municipality has jurisdiction, a conviction may be had under either the Act or the by-law, but a second conviction shall not be made for the same act or omission. 47 V. c. 38, s. 69 (4).

Provision where act is a violation of Act and of by-law.

PROCEEDINGS NOT TO BE QUASHED FOR WANT OF FORM, OR REMOVED INTO HIGH COURT.

112. No order or other proceeding, matter or thing, done or transacted in or relating to the execution of this Act shall be vacated, quashed or set aside for want of form, or be removed or removable by *certiorari* or other writ, or process whatsoever, into the High Court, and no appeal shall be had to the General Sessions upon any conviction under this Act. 47 V. c. 38, s. 68.

Proceedings not to be quashed for want of form or removed into High Court.

BY-LAW IN FORCE IN EVERY MUNICIPALITY.

Application of
enactments in
Schedule A.

113.—(1) The enactments contained in schedule A, appended to this Act, shall be in force in every municipality in this Province for which there is a medical health officer and a sanitary inspector as a by-law of such municipality, as if enacted by the council thereof, except in so far as they have been or shall hereafter, be altered, amended, or repealed by the council (schedule B.); and the council of every local municipality shall have authority to pass by-laws from time to time in respect of the various matters dealt with by the said enactments.

(2) In any municipality which has no medical health officer and sanitary inspector, or has only one of these officers, the said enactments shall, except as aforesaid, be in force unless so far as they relate to the officer which such municipality does not possess.

(3) Where two or more municipalities join in the appointment of a health officer or sanitary inspector, such officer or inspector shall be deemed to be the health officer or inspector of each of the said municipalities. 47 V. c. 38, s. 69 (1-3).

SCHEDULE A.

(Section 113.)

BY-LAW IN FORCE IN EVERY MUNICIPALITY TILL ALTERED BY THE MUNICIPAL COUNCIL.

Duty of medi-
cal health
officer.

1. It shall be the duty of the Medical Health Officer to assist and advise the Board and its officers, in matters relating to public health, and to superintend, under the direction of the Board, the enforcement and observance, within this municipality, of health by-laws or regulations, and of Public Health Acts, and of any other sanitary laws, and, if thought advisable by the Board of School Trustees, to act as medical inspector of Schools, as well as advisory officer in matters pertaining to school hygiene, and to perform such other duties and lawful acts for the preservation of the public health, as may, in his opinion, be necessary, or as may be required by the Board of Health. He shall also present to this Board, before the 15th day of November in each year, a full report upon the sanitary condition of the district.

Duty of
Sanitary
Inspector.

2. The sanitary inspector, besides performing the duties hereafter indicated by this By-law as belonging specially to him, shall assist the medical health officer and perform such other duties as may from time to time be assigned to him by the Board of Health or its chairman.

Chairman of
Board of
Health to
report to
Council.

3. The chairman of the Board of Health shall, before the 1st day of December in each year, present to the Municipal Council or Municipal Councils, comprised within this district, a report containing a detailed statement of the work of the Board during the year, and the report of the sanitary condition of the Municipality, as rendered to the Board by the medical health officer. A copy of each such report shall be transmitted by the secretary to the secretary of the Provincial Board of Health.

4. No person shall within this municipality suffer the accumulation upon his premises, or deposit, or permit the deposit, upon any lot belonging to him, of anything which may endanger the public health, or deposit upon, on, or into, any street, square, lane, by-way, wharf, dock, slip, lake, pond, bank, harbour, river, stream, sewer, or water, any manure or other refuse, or vegetable or animal matter, or other filth.

Deposits endangering public health forbidden.

5. It shall be the duty of the sanitary inspector, to keep a vigilant supervision over all streets, lanes, by-ways, lots, or premises, upon which any such accumulation as aforesaid may be found, and at once to notify the parties who own or occupy such lots or premises, or who either personally or through their employees have deposited such manure, refuse, matter, dirt, or filth, in any street, lane, or by-way, to cleanse the same, and to remove what is found thereon; such parties shall forthwith remove the same, and if the same be not removed within twenty-four hours after such notification, the inspector may prosecute the parties so offending, and he may also cause the same to be removed at the expense of the person or persons so offending. He shall also inspect at intervals, as directed by the Board of Health, all premises occupied by persons residing within its jurisdiction, and shall report to the Board each and every case of violation of any of the provisions of this by-law, or of any other regulations for the preservation of the public health, and shall also report every case of refusal to permit him to make such inspection.

Duty of Sanitary Inspector as to lands, etc.

6. Whenever it shall appear to the Board, or to any of its officers, that it is necessary for the preservation of the public health, or for the abatement of anything dangerous to the public health, or whenever they or he shall have received a notice signed by one or more inhabitant householders of this municipality, stating the condition of any building in the municipality to be so filthy as to be dangerous to the public health, or that upon any premises in the municipality there is any foul or offensive ditch, gutter, drain, privy, cess-pool, ash-pit, or cellar, kept or constructed so as to be dangerous or injurious to the public health, or that upon any such premises an accumulation of dung, manure, offal, filth, refuse, stagnant water, or other matter, or thing, is kept so as to be dangerous or injurious as aforesaid, it shall be the duty of the sanitary inspector to enter such buildings or premises for the purpose of examining the same, and, if necessary, he shall order the removal of such matter or thing as aforesaid. If the occupant, or proprietor, or his lawful agent or representative, having charge or control of such premises, after having had twenty-four hours notice from any such officer of the Board of Health to remove or abate such matter or thing as aforesaid shall neglect or refuse to remove or abate the same, he shall be subject to the penalties imposed under section 18 of this by-law.

Examination of buildings or premises by Sanitary Inspectors.

7. If the Board is satisfied upon due examination, that a cellar, room, tenement, or building within its jurisdiction, occupied as a dwelling-place, has become by reason of the number of occupants, want of cleanliness, the existence therein of a contagious or infectious disease, or other cause, unfit for such purpose, or that it has become a nuisance, or in any way dangerous to the health of the occupants, or of the public, they may issue a notice in writing to such occupants, or any of them, requiring the said premises to be put in proper sanitary condition, or if they see fit, requiring the occupants to quit the premises within such time as the Board may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, every person so offending shall be liable to the penalties imposed by section 18 of this by-law, and the Board may cause the premises to be properly cleansed at the expense of the owners or occupants, or may remove the occupants forcibly and close up the premises, and the same shall not again be occupied as a dwelling-place until put into proper sanitary condition.

Notice to put premises in proper sanitary condition or to quit same.

8. No proprietor or tenant of any shop, house or outhouse, shall, nor shall any butcher or other person, use any such house, shop or outhouse at any time as a slaughter-house or for the purpose of slaughtering any

Distance of slaughter-house, etc.

animals therein, unless such shop, house or outhouse be distant not less than two hundred yards from any dwelling-house, and distant not less than seventy yards from any public street.

Inspection of slaughter-house.

9. All slaughter-houses within this municipality shall be subject to regular inspection under the direction of the Board of Health ; and no person shall keep any slaughter-house unless the permission in writing of the Board for the keeping of such slaughter-house has been first obtained, and remains unrevoked. Such permission shall be granted, after approval of such premises upon inspection, subject to the condition that the said houses shall be so kept as not to impair the health of persons residing in their vicinity, and upon such condition being broken the said permission may be revoked by the Board ; and all animals to be slaughtered, and all fresh meat exposed for sale in this municipality shall be subject to like inspection.

Inspection of cow byres, cheese factories and creameries.

10. All milch cows and cow byres, and all dairies or other places in which milk is sold or kept for general use, and all cheese-factories and creameries shall be subject to regular inspection under the direction of the said Board ; and the proprietors shall be required to obtain permission in writing from the Board, to keep such dairy or other place in which milk is sold or kept as aforesaid, or to keep a cheese factory or creamery, and the same shall not be kept by anyone without such permission, which shall be granted after approval of such premises upon inspection, subject to the condition that all such places as aforesaid are so kept and conducted that the milk shall not contain any matter or thing liable to produce disease either by reason of adulteration, contamination with sewage, absorption of disease germs, infection of cows, or any other generally recognized cause, and upon such condition being broken the said permission may be revoked by the Board.

Sale of diseased food.

11. No person shall offer for sale as food within this municipality any diseased animal, or any meat, fish, fruit, vegetables, milk, or other article of food which, by reason of disease, adulteration, impurity, or any other cause shall be unfit for use.

Supply of drinking water.

12. It shall be the duty of the owner of every house within this municipality to provide for the occupants of the same a sufficient supply of wholesome drinking water ; and in case the occupant or occupants of any such house is or are not satisfied with the wholesomeness or sufficiency of such supply, he or they may apply to the Board of Health to determine as to the same ; and if the supply be sufficient and wholesome, then the expenses incident to such determination shall be paid by the said occupant or occupants, and if not, then they shall be paid by the owner ; and in either case the said charges shall be recoverable in the same manner as municipal taxes.

Wells to be cleaned out, etc.

13. All wells in this municipality which are in use, whether such wells are public or private, shall be cleaned out before the 1st day of July in each year, and in case the Board of Health certifies that any well should be filled up, such well shall be forthwith filled up by the owner of the premises.

Rules respecting disposal of sewage and refuse.

14. The following code of rules and regulations for the disposal of sewage and refuse shall constitute a part of this by-law, and any person or persons violating or neglecting any of the said rules and regulations shall be liable to the fines and penalties imposed by section 18 of this by-law.

Details of establishment of privy vaults, etc., to be approved by Medical Health Officer.

RULE 1.—No privy-vault, cess-pool or reservoir into which a privy, water-closet, stable or sink is drained, shall be established until the details of such establishment shall have been submitted to and obtained the approval in writing of the medical health officer, who shall, from time to time, determine with the approbation of the Board, the method of disposal of excreta, sewage and other refuse, to be adopted within the district.

RULE 2.—Earth privies or earth closets without a vault below the surface of the ground do not come within Rule 1, but sufficient dry earth, wood-ashes or coal-ashes to absorb all the fluid parts of the deposit must be thrown upon the contents of such earth privies and closets daily; the contents when removed from the closet must be placed in a shed or box with rain-proof cover, and removed from the premises at least once a year on or before the 15th day of May.

RULE 3.—If the exigencies or circumstances of the municipality require that privy-vaults, cess-pools or reservoirs shall be allowed in accordance with Rule 1, they shall be cleaned out at least once a year, on or before the 15th day of May, and from the 15th day of May to the 1st day of November in each year they shall be thoroughly disinfected by adding to the contents of the vault, cess-pool or reservoir, once a month, not less than two pounds of sulphate of copper, dissolved in two pailfuls of water, or other suitable disinfectant.

RULE 4.—Within the limits of this municipality no night-soil or contents of any cess-pool shall be removed unless previously deodorized as above, and during its transportation the material shall be covered with a layer of fresh earth, except the removal shall have been by some odorless excavating process.

RULE 5.—All putrid and decaying animal or vegetable matter must be removed from all cellars, buildings, out buildings and yards on or before the 15th day of May in each year.

RULE 6.—Every householder and every hotel and restaurant-keeper or other person shall dispose of all garbage, for the disposal of which he is responsible, either by burning the same or by placing it in a proper covered receptacle for swill and house offal, the contents of which shall, between the 15th day of May and the 1st day of November, be regularly removed as often as twice a week.

RULE 7.—Between the 15th day of May and the 1st day of November, no hog shall be kept within the limits of this municipality, except in pens seventy feet from any house, with floors kept free from standing water and regularly cleansed and disinfected.

RULE 8.—The keeper of every livery or other stable shall keep his stable and stable-yard clean, and shall not permit, between the 15th day of May and the 1st day of November, more than two waggon-loads of manure to accumulate in or near the same at any one time, except by permission of the Board of Health.

15. The following regulations regarding the construction of houses shall be in force within this municipality:

RULE 1.—No house shall be built in or upon any site, the soil of which has been made up of any refuse, unless such soil shall have been removed from such site, and the site disinfected, or unless the said soil shall have been covered with a layer of charcoal, covered by a layer of concrete at least six inches thick and of such additional thickness as may be requisite under the circumstances to prevent the escape of gases into such proposed house.

RULE 2.—The drain of every house which may be connected with a sewer or cess-pool shall be ventilated by means of a pipe extending upward from the highest point of the main soil or waste-pipe, and also by a pipe carried upward from the drain outside the walls of the house according to the principles shewn in the appended diagram. These pipes shall be of the same dimensions as the said main soil or waste-pipe, and shall be constructed of the same material or of stout galvanized iron, and no trap

Time deposits to be removed.
Cleaning out and disinfecting privy vaults, etc.

Deodorization before removal.

Time for removal of decayed animal or vegetable matter.

Time for removal of garbage.

Hogs.

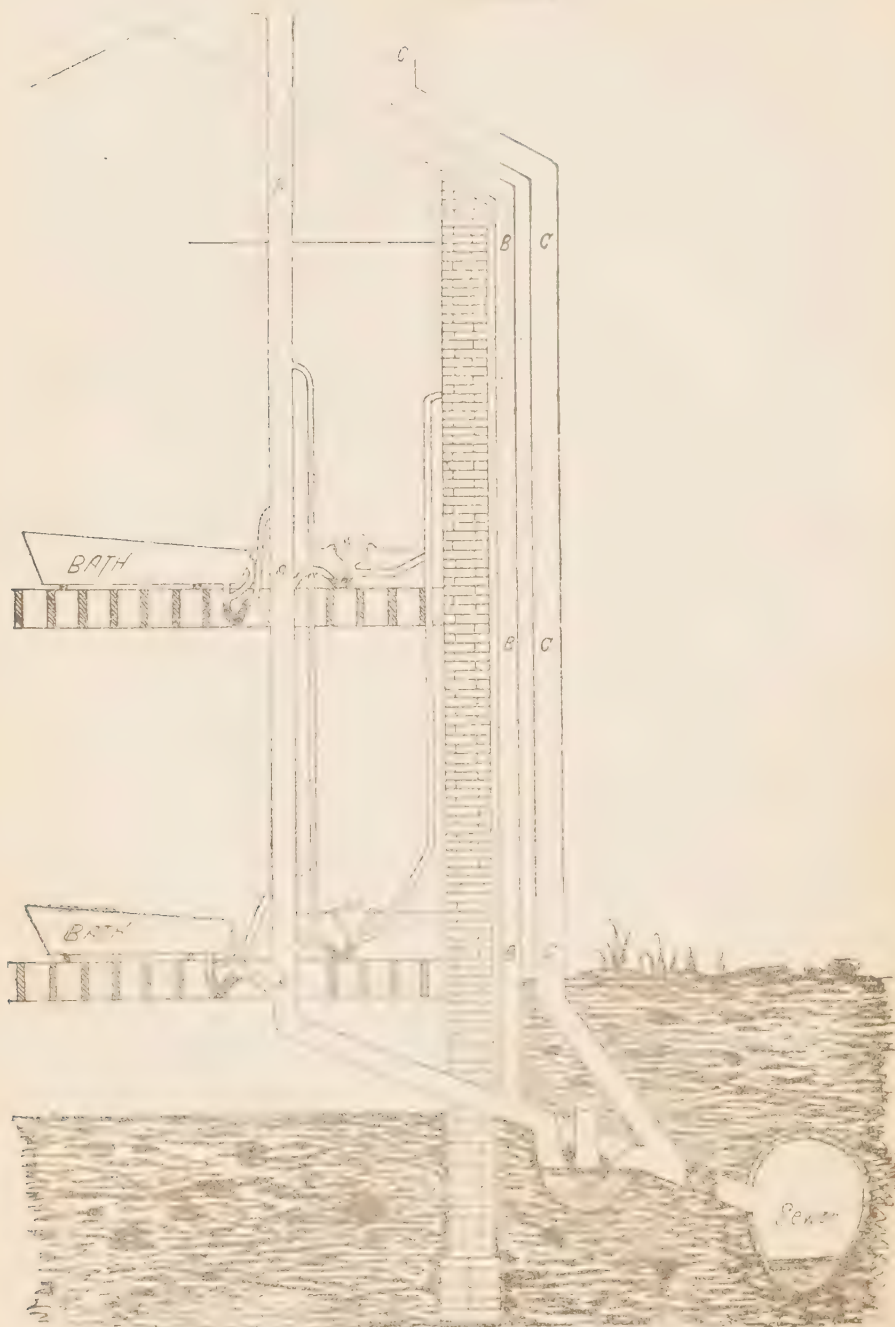
Livery stable.

House construction.

Soil of building sites to be disinfected.

Ventilation of drains, etc.

DIAGRAM.



A—Extension upwards of soil pipe.

B—Second ventilating tube.

C—Ventilator for drain in case a trap is placed between the sewer and house.

shall intervene between the said ventilating pipes. In case a trap shall intervene between the sewer or cess-pool, and the ventilating pipes already described, then a four-inch ventilating pipe of the same material as above described shall be carried from a point between such trap and the sewer. All such ventilating pipes shall be carried above the roof of the said house, and shall open above at points sufficiently remote from every window, door, sky-light, chimney or other opening leading into any house.

No pipe carrying air or gas from any drain or soil-pipe shall be connected with any chimney in a dwelling-house, unless the same be a furnace chimney used exclusively for the purpose of ventilating such soil-pipe or drain.

RULE 3.—Every house-drain shall be constructed of vitrified earth-ware or iron pipe; and every soil and waste-pipe, of iron pipe rendered impervious to gas or liquids, the joints thereof being run with lead and caulked, or of lead pipe weighing at least 6 lbs. to the square foot; and the waste pipe from every closet, sink, tub, wash-basin, safe or other service shall have as near as may be to the point of junction with such service a trap so constructed, vented and furnished, that it shall at no time allow of the passage of gas into such house. All joints shall be so constructed as to prevent gas escaping through them. Description of drain pipes.

RULE 4.—The construction of any closet or other convenience which shall allow of the escape into the house of air or gas which has been confined in any part of it or from the drain or soil pipe, is hereby prohibited. Certain closets prohibited.

RULE 5.—No refrigerator waste shall be allowed to connect with any drain. Refrigerator waste.

RULE 6.—No pipe supplying water directly to a water-closet or urinal, shall be connected with the pipe supplying water for drinking purposes. Pipes supplying water to closets.

16. Every person who erects, or causes to be erected, any building shall, within two weeks of the completion thereof, deposit in the Registry Office of the Registry Division in which the building is situated, plans of the drainage and plumbing of the same as executed; and in the case of any alteration of any such plumbing or drainage, it shall be the duty of the owner of the house, within two weeks of the making of the alteration, to deposit in the same manner the plan and record of any such alteration; if such alteration is made by a tenant, it shall be the duty of the tenant or lessee to deposit or cause to be deposited the plan and record of such alteration. Plumbing and drainage plans to be filed

17. The following rules for preventing the spread of infectious and contagious diseases shall constitute a part of this By-law: Rules respecting infectious and contagious diseases.

RULE 1.—The medical health officer [or secretary of the Local Board of Health] shall provide each medical practitioner, practising within this municipality, with blank forms on which to report to the said medical health officer [or secretary] any case of diphtheria, small-pox, scarlet fever, cholera, typhoid fever, measles, whooping-cough or other disease dangerous to the public health; and, also, with other blank forms on which to report death or recovery from any such disease. Duties of medical health officer.

RULE 2.—All such forms shall be so printed, gummed and folded that they may be readily sealed, without the use of an envelope, so as to keep them from perusal until opened by the medical health officer [or secretary]. Forms, kind

RULE 3.—Said blanks shall be in accordance with the following forms: Blank forms.

Report of Infectious Disease.

Christian name and surname of patient :
 Age of patient :
 Locality (giving street, number of house or lot), where patient is :
 Name of disease :
 Name of school attended by children from that house :
 Measures employed for isolation and disinfection :
 (Signature of physician) :

Report of Death or Recovery from Infectious Disease.

Christian name and surname of patient :
 Locality (giving street, number of house or lot), where patient is :
 Name of disease :
 How long sick :
 Whether dead or recovered :
 Means of disinfection employed, and when employed :
 (Signature of physician) :

Notice of
disease to be
posted up.

RULE 4.—The medical health officer [or secretary], within six hours after he shall have received a notice of the existence of scarlet fever, diphtheria, small-pox, cholera, or whooping-cough, in any house, shall affix or cause to be affixed by the head of the household, or by some other person, near the entrance of such house a card at least nine inches wide and twelve inches long, stating that such disease exists in the said house, and stating the penalty for removal of such card without the permission of the medical health officer or Board of Health.

Not to be
removed.

RULE 5.—No person shall remove such card without the permission of the Board of Health or one of its officers.

Animals
affected.

RULE 6.—No animal affected with an infectious or contagious disease shall be brought or kept within this municipality, except by permission of the Board of Health.

Penalties.

18. Any person who violates sections 4, 6, 7, 9 or 11 of this by-law, or Rule 1 of section 15, or Rule 5 or 6 of section 17, shall be liable, for every such offence, to a penalty of not less than \$5 nor more than \$50 in the discretion of the convicting Justices or Magistrate, besides costs, which may also be inflicted if the committing Justices or Magistrate see fit to impose the same. Any person who violates any other provision of this by-law shall be liable for every such offence to a penalty not exceeding \$20, in the discretion of the convicting Justices or Magistrate, besides costs, which may also be inflicted if the convicting Justices or Magistrate see fit to impose the same. Every such penalty may be recovered by any person before any two Justices or a Police Magistrate having jurisdiction in the municipality, and shall be levied by distress and sale of the goods and chattels of the offender, with the costs of such distress and sale, by warrant under the hands and seals of the Justices, or the hand and seal of the Police Magistrate, before whom the same are recovered, or under the hands and seals of any other two Justices having jurisdiction in the municipality, and in default of sufficient distress the said Justices or Magistrate may commit the offender to the common gaol or to any lock up or house of correction in the said municipality for any time not exceeding fourteen days, with or without hard labour, unless the amount imposed be sooner paid.

SCHEDULE B.

(Section 113.)

FORM OF MUNICIPAL BY-LAW AMENDING THE ABOVE BY-LAW.

By-law Number —, intituled "A By-law respecting the Public Health By-law."

Whereas it is expedient to amend or repeal some of the provisions of the by-law appended to *The Public Health Act*, so far as the same are in force in this municipality, and to suspend the operation of other provisions of the said by-law.

Be it therefore enacted by the Municipal Council of

1. Section 13 of the said by-law is hereby amended by substituting the "1st day of July of every second year" for "the 1st day of July in each year."

2. Rule 7 of section 14 of the said by-law is amended by striking out the words "and disinfected" at the end of the said rule.

3. Rule 3 of section 14 is hereby repealed.

4. This by-law shall go into force forthwith.

47 V. c. 38, sched. B.

SCHEDULE C.

(Section 25.)

PUBLIC HEALTH.

Take notice that by virtue of *The Public Health Act*, and the regulations made thereunder, possession has been taken, (or obtained, as the case may be) of the following land (or "building," as the case may be,) namely:

(Reasonable Description)

and further take notice that such land (or building) will be occupied and used for the purposes of the said Act and regulations from and after the date hereof, for a period of _____ or such other time as may, in the discretion of the undersigned, be necessary.

Dated, etc.

49 V. c. 42, sched.

CHAPTER 206.

An Act respecting Vaccination and Inoculation.

| | |
|--|---|
| HOSPITALS TO PROVIDE SUPPLY OF VACCINE MATTER, ss. 1-3. | FEES FOR VACCINATION, s. 12. |
| MUNICIPALITIES TO PROVIDE FOR VACCINATION OF RESIDENTS, ss. 4-6. | ENFORCING VACCINATION, s. 15. |
| VACCINATION OF CHILDREN, ss. 7-11. | VACCINATION OF CHILDREN ATTENDING SCHOOL, s. 16. |
| Penalty, s. 13. | VACCINATION OF STUDENTS OF HIGH SCHOOLS ETC., s. 17. |
| Plea of previous conviction when allowed, s. 14. | PENALTY FOR INOCULATING WITH VARIOLOUS MATTER, s. 18. |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trustees, etc., of Hospitals: keep vaccine matter for certain purposes.

1. The trustees, governors, directors or other officers or persons having at any time the control and management of any hospital or dispensary receiving aid from the public funds of this Province, shall keep at all times in such hospital or dispensary an adequate supply of vaccine matter for the following purposes, viz:

For the vaccination of the poor.

First.—For the vaccination, by a legally qualified medical practitioner attached to such hospital or dispensary, at the expense of the same, of all poor persons, and at their own expense of all other persons, who attend at such hospital or dispensary for that purpose, during one day in every week; the fee to be charged for such vaccination not in any case to exceed fifty cents, and to be used and applied for the benefit of the hospital or dispensary;

For the use of legally qualified medical practitioners.

Second.—For the purpose of furnishing, on application, to each and every legally qualified medical practitioner, such reasonable quantities of the said matter as he from time to time requires;

For the use of the Indians.

Third.—For the purpose of furnishing, on application, to the Superintendent-General of Indian Affairs, or his assistant, or to any visiting Superintendent of Indian Affairs, such reasonable quantities of the said matter as he may from time to time require for the use and benefit of any settlement of Indians.

R. S. O. 1877, c. 191, s. 1.

2. No warrant shall hereafter issue for the payment of any sum of money granted by the Legislature to any hospital or dispensary, unless a certificate has been filed in the office of the Clerk of the Executive Council, signed by a medical officer of such hospital or dispensary, to the effect that there is actually on hand in such hospital or dispensary a supply of vaccine matter which is expected to be sufficient for the purposes aforesaid from the date of such certificate, or setting forth reasons and grounds in explanation of any deficiency in such supply to the satisfaction of the Lieutenant-Governor in Council, nor unless, nor until a certificate signed as aforesaid, to the effect that at no time since the date of the then last certificate in this behalf, has the demand upon such hospital or dispensary for such matter for the purposes aforesaid, exceeded the supply thereof on hand in such hospital or dispensary, or setting forth reasons and grounds in explanation of any deficiency of such supply, to the satisfaction of the Lieutenant-Governor in Council, has been filed as aforesaid. R. S. O. 1877, c. 191, s. 2.

No warrant for the payment of money to issue to any Hospital unless it has a sufficient quantity of vaccine matter on hand, etc.

3. The trustees, governors, directors or other officers or persons having for the time being the control and management of any hospital or dispensary to which aid has been granted during any session of the Legislative Assembly of this Province, shall cause to be transmitted to the Lieutenant-Governor through the Provincial Secretary, in time to admit of copies thereof being laid before the Legislative Assembly, during the first fifteen days of the then next session, a statement certified by the proper officers of such hospital or dispensary, shewing the number of persons who have applied for and received free vaccination, the number of persons who have applied for and received vaccination at their own expense, and the number, amount and application of fees charged and received for vaccination. R. S. O. 1877, c. 191, s. 4.

Annual statement to be laid before Legislature respecting vaccination.

4.—(1) The council of every city, town, township and incorporated village, is hereby empowered and required, to contract with some legally qualified and competent medical practitioner or practitioners, for the period of one year, and so from year to year, as such contract expires, for the vaccination, at the expense of the municipality of all poor persons, and, at their own expense, of all other persons resident in such municipality, who come to such medical practitioner or practitioners for that purpose. R. S. O. 1877, c. 191, s. 5 (1); 47 V. c. 38, s. 63.

Municipalities to employ medical practitioners to vaccinate the citizens, etc.

(2) It shall be a condition of every such contract, that the amount of the remuneration to be received under the same shall depend on the number of persons who, not having been previously successfully vaccinated, are successfully vaccinated by such medical practitioner or medical practitioners, respectively so contracting. R. S. O. 1877, c. 191, s. 5 (2).

Remuneration to depend on success.

Local Board
of Health in
default of
municipality
may employ a
medical prac-
titioner.

5. In case the council neglects to contract with some competent medical practitioner or practitioners for the vaccination of poor persons and others, as provided in the preceding section, and such neglect continues for one month after the attention of the council has been called in writing by the local board of health to such neglect, and to the powers which, in case of such neglect, the local board may exercise under the authority of this Act, the local board of health may contract with the medical health officer of the municipality, or other legally qualified medical practitioner, or practitioners, to perform all the duties which may be performed, or are incumbent upon a medical practitioner under the said Act, if appointed or contracted with by the council under the preceding section, and the council shall be liable to the medical practitioner for the fees of vaccination or for duties performed to the extent provided for by this Act as if the contract had been made by or with the council. The acts of the medical practitioner appointed by the local board of health shall be as valid and operative in every respect as if a contract with him had been made by the council of the municipality; and in such case the local board of health may also, unless the municipal council has already done so, appoint the places and give the notice where and when such vaccination shall be performed, as is required by the next succeeding section, to be done by the council. 49 V. c. 43, s. 1.

City to ap-
point a con-
venient place in
each ward for
performance
of vaccination.

6. The council of each city or town shall appoint a convenient place in each ward thereof, and the council of every township and incorporated village, shall appoint a convenient place therein, for the performance, at least once in each month, of such vaccination, and shall take effectual means for giving, from time to time, to all persons resident within each such ward of the city or town, or within the township or village, due notice of the days and hours at which the medical practitioner or one of the medical practitioners contracted with for such purpose will attend, once at the least in each month, at such place, to vaccinate all persons not successfully vaccinated who may then appear there, and also of the days and hours at which such medical practitioner will attend at such place to inspect the progress of such vaccination in the persons so vaccinated. R. S. O. 1877, c. 191, s. 6: 47 V. c. 38, s. 63.

Parents, etc.,
bound to take
children to be
vaccinated.

7.—(1) The father or mother of every child born in such city, town, township, or incorporated village, shall, at some appointed time, within three months after the birth of such child, or in the event of the death, illness, absence or inability of the father and mother, then the person who has the care, nurture or custody of the child, shall at some appointed time, within four months after the birth of the child, take or cause to be taken, the child to the medical practitioner in attendance at the appointed place, according to

the provisions of the preceding sections of this Act, for the purpose of being vaccinated, unless the child has been previously vaccinated by some legally qualified medical practitioner and the vaccination duly certified; and the medical practitioner so appointed shall, and he is hereby required, thereupon, or as soon after as it can conveniently and properly be done, vaccinate the child. R. S. O. 1877, c. 191, s. 7; 47 V. c. 38 s. 63.

(2) This section and the four succeeding sections shall also apply to all children over the age of three months becoming resident in a municipality, and such children shall for the purposes of the said sections be considered as children born in the municipality at the date that they became resident within it. 49 V. c. 43, s. 5.

8. Upon the eighth day following the day on which any child has been vaccinated as aforesaid, the father or mother, or other person having the care, nurture or custody of the child as aforesaid, shall again take or cause to be taken the child to the medical practitioner by whom the operation was performed, or other similarly appointed medical practitioner in attendance as aforesaid, in order that the medical practitioner may ascertain by inspection the result of the operation. R. S. O. 1877, c. 191, s. 8.

And exhibit them to the medical practitioner on the eighth day.

9.—(1) Upon and immediately after the successful vaccination of a child born in any city, town, township or incorporated village, the medical practitioner who performed the operation shall deliver to the father or mother, or other person having the care, nurture or custody of the child as aforesaid, a certificate under his hand, according to the form of Schedule A to this Act, that the child has been successfully vaccinated, and shall also transmit a duplicate of the said certificate to the clerk of the municipality in which the operation was performed.

Certificate of successful vaccination to be given.

(2) Such certificate shall, without further proof, be admissible as evidence of the successful vaccination of the child in any information or complaint brought against the father or mother of the child, or against the person who has had the care, nurture or custody of the child as aforesaid, for non-compliance with the provisions of this Act. R. S. O. 1877, c. 191, s. 9; 47 V. c. 38, s. 63.

What to be evidence of.

10.—(1) If any medical practitioner appointed as aforesaid is of opinion that a child brought to him as aforesaid is not in a fit and proper state to be successfully vaccinated, he shall deliver to the father or mother of the child, or the person having the care, nurture or custody of the child as aforesaid on demand and without fee or reward, a certificate under his hand, according to the form of Schedule B to this Act, that the child is in an unfit state for successful vaccination.

If the child be found unfit for vaccination.

Certificate.

How long to
be in force.

The presenta-
tion of the
child to be re-
peated until
successful
vaccination.

Certificate.

Effect of
certificate.

If the child is
found insus-
ceptible of
vaccine dis-
ease.

(2) Such certificate or any similar certificate of a legally qualified medical practitioner, respecting any child born as aforesaid, shall remain in force for two months from its delivery; and the father or mother of the child, or the person having the care, nurture or custody of the child as aforesaid, shall (unless they have within each succeeding period of two months obtained from a legally qualified medical practitioner a renewal of such certificate), within two months after the delivery of the said certificate as aforesaid, and if the child is not vaccinated at or by the termination of such period of two months, then during each succeeding period of two months until the child has been successfully vaccinated, take or cause to be taken to the medical practitioner, so appointed as aforesaid, such child to be vaccinated by him; and if the medical practitioner deems the child to be then in a fit and proper state for successful vaccination, he shall forthwith vaccinate it accordingly, and shall, upon or immediately after the successful vaccination of the child, deliver to the father or mother of the child, or the person having the care, nurture or custody of the child as aforesaid, a certificate under his hand, according to the form of Schedule A to this Act, that the child has been successfully vaccinated; but if the medical practitioner is of opinion that the child is still in an unfit state for successful vaccination, then he shall again deliver to the father or mother of the child, or to the person having the care, nurture or custody of the child, as aforesaid, a certificate under his hand, according to the form of Schedule B to this Act, that the child is still in an unfit state for successful vaccination, and the said medical practitioner, so long as the child remains in an unfit state for vaccination and unvaccinated, shall at the expiration of every succeeding period of two months, deliver, if required, to the father or mother of the child, or to the person having the care, nurture or custody of the child, a fresh certificate under his hand, according to the form of Schedule B to this Act.

(3) The production of such certificate or of any similar certificate from any legally qualified medical practitioner, shall be a sufficient defence against any complaint brought against the father or mother, or person having the care, nurture or custody of such child, for non-compliance with the provisions of this Act. R. S. O. 1877, c. 191, s. 10.

11. In the event of a medical practitioner employed under the provisions of this Act, or any other duly qualified medical practitioner being of opinion that any child that has been vaccinated by him, is insusceptible of the vaccine disease, he shall deliver to the father or mother of the child, or to the person having, as aforesaid, the care, nurture or custody of the child, a certificate under his hand, according to the form of Schedule C to this Act; and the production of the certificate shall be a sufficient defence against any com-

plaint which may be brought against the father or mother, or person having the care, nurture or custody of the child, for non-compliance with the provisions of this Act. R. S. O. 1877, c. 191, s. 11.

12. In all contracts to be made under the provisions of this Act, the sums contracted to be paid shall not be more than twenty-five cents for every person successfully vaccinated, including all or any of the certificates required by this Act. R. S. O. 1877, c. 191, s. 12.

Fees under this Act.

13. If a father or mother, or person so having as aforesaid, the care, nurture or custody of any child as aforesaid, does not cause the child to be vaccinated within the periods prescribed by this Act, or does not, on the eighth day after the vaccination has been performed, take or cause to be taken the child for inspection, according to the provisions in this Act respectively contained, then the father or mother, or person having the care, nurture or custody of the child as aforesaid, so offending, shall be liable to a penalty not exceeding \$5, recoverable on summary conviction, before a Police Magistrate or any two Justices of the Peace, sitting and having jurisdiction in the municipality in which the offence was committed. R. S. O. 1877, c. 191, s. 13; 47 V. c. 38, s. 63.

Penalty for non-compliance with the requirements of this Act.

14.—(1) After the expiration of two months from the conviction of any person for an offence against this Act, in respect of any child, no plea of such conviction shall be sufficient defence against any complaint which may then be brought against the same or any other person for non-compliance with the provisions of this Act in respect of the same child.

How far and when plea of conviction shall avail.

(2) The production of a certificate in the form of Schedule A or C, under the hand of a legally qualified medical practitioner, shall be a sufficient defence against such complaint: but the production of a certificate in the form of Schedule B shall not be a sufficient defence, unless the vaccination is thereby postponed to a day subsequent to that on which the complaint is brought. R. S. O. 1877, c. 191, s. 14.

15. In every municipality where smallpox exists, or in which, in the opinion of the provincial or municipal health authorities, there is danger of its breaking out owing to the facility of communication with infected localities, the council of the municipality may order the vaccination or re-vaccination of all persons resident in the municipality who have not been vaccinated within seven years, and that such vaccination or re-vaccination shall be carried out in so far as the same may be applicable in the same manner as for the vaccination of children, except that in the case of all persons of an age to make them legally responsible, they shall present themselves for vaccination by the medical practitioner, or some legally quali-

Enforcing vaccination.

fied practitioner, and the medical practitioner shall adopt the same measures to secure the vaccination or re-vaccination of all such persons, as he is required to do with regard to children. A proclamation issued by the head of the municipality, and published in posters and in at least one newspaper published within the municipality, and in cases where there is no such newspaper, then in at least one newspaper in the county in which such municipality is situated, warning the public that this section of the Act is in force, shall be sufficient evidence to secure the conviction of any person who does not comply with the law within a period of seven days from the publication of the proclamation. 49 V. c. 43, s. 4.

School trustees may require certificates of vaccination.

16. It shall be lawful for the trustees of any public, separate or high school, to provide that no children shall be permitted to attend any school without producing a certificate of successful vaccination when demanded of him or her by the teacher. 49 V. c. 43, s. 2.

Students of High Schools, etc., may be required to produce certificates of vaccination.

17. In all cases when it is deemed necessary by the medical health officer of any municipality, owing to the presence, or threatened presence of smallpox, he may, with the approval of the local board of health, require certificates of successful vaccination, or of insusceptibility on re-vaccination within seven years, of all students of high schools, collegiate institutes, colleges and universities, within the municipality to be presented to the proper authorities of the said institutions, and no student refusing to present such certificate on demand, shall be admitted to further attendance on classes in said institution until such certificate is furnished. 49 V. c. 43, s. 3.

The license of the person contravening C. S. C. c. 39, s. 1, to become null.

18. If any person licensed to practise medicine, surgery, or midwifery in this Province is convicted of an offence against section 1 of chapter 39 of the Consolidated Statutes of Canada, entitled *An Act respecting Inoculation and Vaccination*, the license of such person in that behalf shall thereby become null and void and of no effect, and such person shall, from and after the date of such conviction, be liable to the same penalty in the event of his practising medicine, surgery, or midwifery in Ontario, as he would have been liable to for so doing if he had never been licensed to practise the same; but it shall be lawful for the Lieutenant-Governor, on the certificate of the College of Physicians and Surgeons of Ontario, at any time after the expiration of the term of imprisonment of any such person so convicted as aforesaid, again to license such person to practise medicine, surgery, and midwifery as aforesaid, and thereupon and thereafter such person shall no longer be liable to any fine or penalty for so doing. R. S. O. 1877, c. 191, s. 15.

Proviso: license may be renewed, etc.

SCHEDULE A.

(Sections 9, 10 and 14.)

CERTIFICATE OF VACCINATION.

I, the undersigned, hereby certify that _____, the child of _____, aged _____, of _____ Ward, in the City of _____
(or as the case may be), has been successfully vaccinated by me

(Signed), A. B.

Dated this _____ day of _____, 18 ____.

R. S. O. 1877, c. 191, *Sched. A.*

SCHEDULE B.

(Sections 10 and 14.)

CERTIFICATE OF UNFITNESS FOR VACCINATION.

I, the undersigned, hereby certify that I am of opinion that _____, the child of _____, of _____ Ward, in the City of _____
(or as the case may be), aged _____, is not now in a fit and proper state to be successfully vaccinated, and I do hereby postpone the vaccination until the _____ day of _____

(Signed), A. B.

Dated this _____ day of _____, 18 ____.

R. S. O. 1877, c. 191, *Sched. B.*

SCHEDULE C.

(Sections 11 and 14.)

CERTIFICATE OF INSUSCEPTIBILITY TO VACCINE DISEASE.

I, the undersigned, hereby certify that I am of opinion that _____, the child of _____, of _____ Ward, in the City of _____
(or as the case may be), is insusceptible of the vaccine disease.

(Signed), A. B.

Dated this _____ day of _____, 18 ____.

R. S. O. 1877, c. 191, *Sched. C.*

9. FRAUD IN THE MANUFACTURE OF CHEESE AND BUTTER.

CHAP. 207.—PREVENTION OF FRAUD IN THE MANUFACTURE OF
CHEESE AND BUTTER. p. 2302.

CHAPTER 207.

An Act to Prevent Fraud in the Manufacture of Cheese and Butter.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

Fraudulent
supply.

1. Whosoever knowingly and fraudulently sells, supplies, brings or sends to be manufactured to any cheese or butter manufactory in this Province, any milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," or whoever keeps back any part of the milk known as "strip-pings," or whoever knowingly and fraudulently sells, sends, brings or supplies to any cheese or butter manufactory milk that is tainted or partly sour from want of proper care in keeping pails, strainers, or any vessel in which said milk is kept, clean and sweet, after being notified of such taint or carelessness, either verbally or in writing, shall, for every offence, forfeit and pay a sum not less than \$1 nor more than \$50, in the discretion of the Justices before whom the case is heard. R. S. O. 1877, c. 159, s. 1.

Penalty.

Fraudulent
use of cream
of milk sup-
plied.

2. Any butter or cheese manufacturer who knowingly and fraudulently uses, or directs any of his employees to use for his or their individual benefit, any cream from the milk brought to any cheese or butter manufactory without the consent of all the owners thereof, shall, for every offence, forfeit and pay a sum not less than \$1 nor more than \$50, in the discretion of the Justices before whom the case is heard. R. S. O. 1877, c. 159, s. 2.

Penalty.

3. Any two or more Justices of the Peace, having jurisdiction within the locality where the offence has been committed, may hear and determine such complaint upon the oath of one or more credible witnesses, and shall have power, in case the penalty and costs awarded by them are not forthwith paid upon conviction, to levy the same by distress and sale of the goods and chattels of the offender by warrant under their hands and seals or the hands and seals of any two of them, and the penalty, when recovered, shall be paid over by such Justices, one-half to the person complaining, and one-half to the treasurer of the municipality, district or place where the offence has been committed; and in default of payment or sufficient distress, the offender may, by warrant signed and sealed as aforesaid, be imprisoned in the common gaol for a period not less than one day nor more than twenty days, at the discretion of such Justices, or any two of them, unless such penalty, costs, and the charges of commitment are sooner paid. R. S. O. 1877, c. 159, s. 3.

Conviction,
and levy of
penalty.

In default of
distress, im-
prisonment

4. No Justice or Justices having any pecuniary interest in a cheese or butter manufactory as aforesaid, shall hear or determine by any such complaint. R. S. O. 1877, c. 159, s. 4.

Provision as to
Justices inter-
ested.

5. Any party aggrieved by such fraudulent conduct as aforesaid may at his election sue the offender in any civil Court of competent jurisdiction, and recover from him the amount of damages sustained, and levy the same with the costs according to the ordinary practice of the Court in which such action is brought. R. S. O. 1877, c. 159, s. 5.

Civil remedy.

10. PROTECTION OF THE PERSON.

- CHAP. 208.—PROTECTION OF PERSONS EMPLOYED IN FACTORIES, p. 2304.
 “ 209.—PROTECTION OF INFANT CHILDREN, p. 2321.
 “ 210.—EGRESS FROM PUBLIC BUILDINGS, p. 2324.
 “ 211.—PREVENTION OF ACCIDENTS FROM THRESHING MACHINES,
 p. 2325.
 “ 212.—RAILWAY ACCIDENTS ACT, p. 2327.

CHAPTER 208.

An Act for the Protection of Persons employed in
Factories.

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| SHORT TITLE, s. 1. | ACT NOT TO APPLY TO PERSON EXECUTING REPAIRS ONLY, s. 23. |
| INTERPRETATION, s. 2. | REGULATIONS BY LIEUTENANT-GOVERNOR IN COUNCIL, s. 24. |
| EVIDENCE AS TO EMPLOYMENT AND AGE, s. 3. | INSPECTOR: |
| CHILD, YOUNG GIRL OR WOMAN : | Appointment, s. 24. |
| When to be deemed employed, s. 4. | Power, s. 25. |
| Not to be employed when permanent injury to health probable, s. 5. | To obtain special authority before entering dwelling, s. 26. |
| When employment to be deemed not lawful, s. 6. | To be furnished with certificate of appointment, s. 27. |
| Restrictions as to cleaning machinery in motion, s. 7. | Notice to be given by person occupying factory, s. 28. |
| Exemption in certain cases, ss. 8, 9. | NOTICES TO BE AFFIXED IN FACTORY, s. 29. |
| Notice of hours of employment, s. 10. | FORM AND SERVICE OF NOTICES, ETC., s. 30. |
| SANITARY REGULATIONS, ss. 11-14. | PENALTY WHERE NO SPECIAL PROVISION, s. 31. |
| FENCING MACHINERY, s. 15. | POWER OF COURT, s. 32. |
| PREVENTION OF FIRE, s. 16. | EMPLOYER EXEMPT ON CONVICTION OF ACTUAL OFFENDER, s. 33. |
| PENALTY ON PARENT OF CHILD OR YOUNG GIRL EMPLOYED CONTRARY TO ACT, s. 17. | INSPECTOR TO PROCEED AGAINST ACTUAL OFFENDER, s. 34. |
| NOTICE WHERE PERSON EMPLOYED IS INJURED, ss. 18, 19. | FINE ON PERSON COMMITTING OFFENCES, s. 35. |
| EMPLOYER, WHO TO BE DEEMED, s. 20. | RESTRAINT ON CUMULATIVE FINES, s. 36. |
| EXCEPTION AS TO PRIVATE HOUSES, s. 21. | APPLICATION OF FINES AND PENALTIES, s. 37. |
| PENALTY FOR FALSE ENTRY, s. 22. | PROSECUTIONS, ss. 38, 39. |
| | REPORT OF INSPECTOR, s. 40. |

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Short title.

1. This Act may be cited as “*The Ontario Factories Act*. 47 V. c. 39, s. 1.

2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears : Interpretation.

1. "Factory" shall mean :

"Factory."

(a) Any building, structure or premises of the description mentioned in the schedule to this Act, together with such other building, structure or premises as the Lieutenant-Governor in Council from time to time adds to the said schedule ; and the Lieutenant-Governor in Council may, from time to time, by proclamation published in the *Ontario Gazette*, add to or remove from the said schedule such description of premises as he deems necessary or proper ;

(b) Any premises, building, structure, room or place wherein, or within the precincts of which, steam, water, or other mechanical power is used to move or work any machinery employed in preparing, manufacturing or finishing, or in any process incidental to the preparing, manufacturing or finishing of any article, substance, material, fabric or compound, or is used to aid the manufacturing process carried on there ;

(c) Any premises, building, structure, room or place wherein the employer of the persons working there has the right of access and control, and in which, or within the precincts of which, any manual labour is exercised by way of trade or for purposes of gain in or incidental to the following purposes, or any of them, that is to say : the making of any article or part of any article ; the altering, repairing, ornamenting or finishing of any article ; or, the adapting for sale of any article ;

Provided, that where not more than twenty persons are employed in any place coming within the foregoing definition of a factory, and that where children, young girls or women are employed at home, that is to say in a private house, place or room, used as a dwelling, wherein neither steam, water nor other mechanical power is used in aid of the manufacturing process carried on there, and wherein the only persons employed are members of the same family dwelling there, the provisions of this Act shall not apply.

A part of a factory may for the purposes of this Act be taken to be a separate factory ; and a place used as a dwelling shall not be deemed to form part of the factory for the purposes of this Act.

Where a place situate within the close or precincts forming a factory is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory, such place shall not be deemed to form part of that factory for the

purposes of this Act, but shall, if otherwise it would be a factory, be deemed to be a separate factory, and be regulated accordingly.

Any premises or place shall not be excluded from the definition of a factory by reason only that such premises or place are or is in the open air. 47 V. c. 39, s. 2 (1).

“Inspector.” 2. “Inspector” shall mean the inspector appointed by order of the Lieutenant-Governor in Council under the authority of and for enforcing the provisions of this Act in and for the locality in reference to which such expression applies, and which locality shall be that designated in the order. 50 V. c. 35, s. 1.

“Employer.” 3. “Employer” shall mean any person who in his own behalf, or as the manager, superintendent, overseer or agent for any person, firm, company or corporation, has charge of any factory and employs persons therein.

“Week.” 4. “Week” shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night.

“Child.” 5. “Child” shall mean a person under the age of fourteen years.

“Young girl.” 6. “Young girl” shall mean a girl of the age of fourteen years and under the age of eighteen years.

“Woman.” 7. “Woman” shall mean a woman of eighteen years of age and upwards.

“Parent.” 8. “Parent” shall mean a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of a child or young girl.

“Court of summary jurisdiction.” 9. “Court of summary jurisdiction” shall mean the Justices of the Peace or Police Magistrate, as the case may be, to whom jurisdiction is given by this Act to hear and determine prosecutions under this Act.

“Mill gearing.” 10. “Mill-gearing” comprehends every shaft, whether upright, oblique or horizontal, and every wheel, drum or pulley, by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process. 47 V. c. 39, s. 2 (3-10).

Evidence as to employment and age. 3. If a person is found in a factory, except at meal times or while all the machinery of the factory is stopped, or for the sole purpose of bringing food to the persons employed in the factory, such person shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory.

Provided, that yards, playgrounds and places open to the public view, waiting rooms, and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory within the meaning of this section.

Where a child or young girl is, in the opinion of the Court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the child or young girl is not of that age. 47 V. c. 39, s. 3.

4. A child, young girl, or woman who works in a factory, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made, or otherwise the subject of the manufacturing process or handicraft therein shall, save as is otherwise provided by this Act, be deemed to be employed in such factory within the meaning of this Act, and for the purposes of this Act an apprentice shall be deemed to work for hire. 47 V. c. 39, s. 4.

5. It shall not be lawful to employ in a factory any child or young girl or woman, so that the health of such child, young girl or woman is likely to be permanently injured, and whoever so employs any child, young girl or woman, shall upon summary conviction thereof incur and be liable to imprisonment in the common gaol of the county wherein the offence has been committed, for a period not exceeding six months, or to a fine of not more than \$100, with costs of prosecution, and in default of immediate payment of such fine and costs, then to imprisonment as aforesaid. 47 V. c. 39, s. 5.

6. To employ in a factory any child or any young girl or woman shall be deemed to be not lawful, and so that the health of such child, young girl or woman is likely to be permanently injured, if in that factory there is any contravention of the following provisions of this section, that is to say:

1. No boy under twelve years of age, and no girl under fourteen years of age, shall be employed in any factory.

2. Except as hereinafter provided, a child between the ages of twelve and fourteen years shall not be employed in any factory, unless the employer of such child has in his possession, and produces when thereto requested by the inspector, either a certificate signed by the parent of such child, in which certificate the person signing it shall state the date thereof, the age of such child at said date, and the birth-place of such child, or, in case there is not in Ontario any one having the legal custody or control of such child, the written opinion of a registered physician that such child is of not less than twelve years of age.

3. It shall not be lawful for a child, young girl or woman to be employed for more than ten hours in one day, nor more than for sixty hours in any one week, unless a different apportionment of the hours of labour per day has been made for the sole purpose of giving a shorter day's work on Saturday.

4. In every factory the employer shall allow every child and every young girl and woman therein employed not less than one hour at noon of each day for meals, but such hour shall not be counted as part of the time herein limited as respects the employment of children, young girls and women.

5. If the inspector so directs in writing, the employer shall not allow any child, young girl or woman to take meals in any room wherein any manufacturing process is then being carried on. And if the inspector so directs in writing the employer shall, at his own expense, provide a suitable room or place in the factory or in connection therewith, for the purposes of a dining and eating room for persons employed in the factory. 47 V. c. 39, s. 6.

Employment of children in gathering and preparing fruits and vegetables for canning purposes.

6. Notwithstanding anything in this Act contained, boys under twelve years of age, and girls under fourteen years of age may be employed during the months of July, August and September in any year in such gathering in and other preparation of fruits or vegetables for canning purposes as may be required to be done prior to the operation of cooking or other process of that nature requisite in connection with the canning of fruits or vegetables. The place, room or apartment in which such boys or girls may be so employed, shall be separate from any other wherein the cooking or other process aforesaid, or the canning of said fruits or vegetables is carried on. 50 V. c. 35, s. 2.

Cleaning machinery while in motion.

7. A child shall not be allowed to clean any part of the machinery in a factory while the same is in motion by the aid of steam, water or other mechanical power ;

A young girl or woman shall not be allowed to clean such part of the machinery in a factory as is mill-gearing, while the same is in motion for the purpose of propelling any part of the manufacturing machinery ;

A child or young girl shall not be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam, water, or other machinery power ;

A child, young girl, or woman, allowed by an employer to clean or to work in contravention of this section, shall be deemed to be employed by him contrary to the provisions of this Act, and to have contravened said provisions. 47 V. c. 39, s. 7.

When inspector may grant exemption from foregoing provisions.

8. The Lieutenant-Governor in Council may make regulations under which it shall be lawful for the inspector :

1. When any accident which prevents the working of any factory happens to the motive power of any machinery ; or when—

2. From any other occurrence beyond the control of the employer the machinery, or any part of the machinery, of any factory cannot be regularly worked ; or when—

3. The customs or exigencies of certain trades require that the children, young girls or women working in a factory, or in certain processes in a factory, should be employed for a longer period than as herein above provided :

On due proof to his satisfaction of such accident, occurrence, custom of, or exigency of trade, to give permission for such exemption from the observance of the foregoing provisions of the Act as will, in his judgment, fairly and equitably to the proprietors of, and to the women, young girls and children in such factory, make up for any loss of labour from such accident or occurrence, or meet the requirements of such custom or exigency of trade :

Provided always, in the case of the inspector permitting such exemption, that no woman, young girl or child shall be employed before the hour of six o'clock in the morning nor after the hour of nine o'clock in the evening ; and that the hours of labour for women, young girls and children shall not be more than twelve and a half in any one day, nor more than seventy-two and a half in any one week, and that such exemption shall not comprise more than six weeks in any one year, nor shall the time fixed by this Act for meals be diminished. 47 V. c. 39, s. 8.

9. When under the exemptions allowed herein any child, young girl or woman is employed in any factory on any day for a longer period than is allowed herein, the duration of such employment shall be daily recorded by the employer in a register, which shall be in such form as shall be required by any regulations made in that behalf by the Lieutenant-Governor in Council. 47 V. c. 39, s. 9.

Particulars to be recorded by employer in case of exemption.

10. Notice of the hours between which children, young girls or women are to be employed, shall be made in such form as shall be required by the regulations made in that behalf by the Lieutenant-Governor in Council, and shall be signed by the inspector and by the employer, and shall be hung up during the period affected by such notice, in such conspicuous place or places in the factory as the inspector requires. 47 V. c. 39, s. 10.

Notice of hours of employment to be affixed in factory.

11.—(1) Every factory shall be kept in a cleanly state and free from effluvia arising from any drain, privy or any other nuisance.

Sanitary condition of factory.

(2) A factory shall not be so overcrowded while work is carried on therein as to be injurious to the health of the persons employed therein.

(3) Every factory shall be ventilated in such a manner as to render harmless, so far as is reasonably practicable, all the gases, vapours, dust or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

(4) In every factory there shall be kept provided a sufficient number and description of privies, earth or water-closets, and urinals for the employees of such factory; such closets and urinals shall at all times be kept clean and well ventilated, and separate sets thereof shall be provided for the use of male and female employees, and shall have respectively separate approaches.

A factory in which there is a contravention of this section or of the regulations made for the enforcement of this section, shall be deemed to be kept unlawfully, and so that the health of any person employed therein is likely to be permanently injured, and the employer shall, because thereof, be deemed to be guilty of a contravention of the provisions of this Act. 47 V. c. 39, s. 11.

Employer to
remedy omis-
sion, etc., on
notice.

12.—(1) In every factory where, contrary to the provisions of this Act, there is any omission, act, neglect or default in relation to any overcrowding, ventilation, drain, privy, earth-closet, water-closet, ash-pit, water-supply, nuisance or other matter whereby the health of persons employed in the factory may be affected, the employer shall within a reasonable time take such action thereon as the inspector, acting under the regulations made in respect to such subjects, notifies the employer to be proper and necessary; and

(2) In every factory where any process is carried on by which dust is generated and inhaled by the workers to an injurious extent, if such inhalation can by mechanical means, approved of by the regulations made in that behalf, be prevented or partially prevented, the inspector may direct that such means shall be provided within a reasonable time by the employer, who in such cases shall be bound so to provide them.

A factory in which the provisions of this section are not complied with by the employer shall be deemed to be kept unlawfully and so that the health of any person therein employed is likely to be permanently injured, and such employer shall, because thereof, be deemed to be guilty of a contravention of the provisions of this Act. 47 V. c. 39, s. 12.

Inspector may
take physician
etc., into fac-
tory.

13. The inspector may, for the purposes of the next preceding two sections, take with him into any factory a physician, health officer, or other officer of the local sanitary authority. 47 V. c. 39, s. 13.

14. It shall not be lawful to keep a factory so that the safety of any person employed therein is endangered, or so that the health of any person employed therein is likely to be permanently injured, and whoever so keeps a factory shall, upon conviction thereof, incur and be liable to imprisonment within the common gaol of the county within which the offence was committed, for a period of not more than twelve months, or to a fine of not more than \$500, with costs of prosecution, and in default of immediate payment of such fine and costs, then to imprisonment as aforesaid. 47 V. c. 39, s. 14.

Penalty for keeping factory so that safety of persons employed is endangered.

15. In every factory :

Fencing, etc., of machinery.

1. All belting, shafting, gearing, fly-wheels, drums and other moving parts of the machinery ; all vats, pans, cauldrons, reservoirs, wheel-races, flumes, water channels, doors, openings in the floors or walls, bridges and all other like dangerous structures or places shall be, as far as practicable, securely guarded.

2. No machinery other than steam engines shall be cleaned while in motion if the inspector so directs by written notice.

3. The openings of every hoistway, hatchway, elevator or well-hole shall be at each floor provided with and protected by good and sufficient trap-doors or self-closing hatches, and safety catches, or by such other safeguards as the inspector directs, and such trap-doors shall be kept closed at all times except when in actual use by persons authorised by the employer to use the same.

4. All elevator cabs or cars, whether used for freight or passengers, shall be provided with some suitable mechanical device to be approved by the inspector, whereby the cab or car will be securely held in the event of accident to the shipper, rope or hoisting machinery, or from any similar cause.

A factory in which there is a contravention of this section or of the regulations made for the enforcement of this section, shall be deemed to be kept unlawfully, and so that the safety of any person employed therein is endangered. 47 V. c. 39, s. 15.

16. In every factory :

Prevention of fire.

1. There shall be such means of extinguishing fire as the inspector, acting under the regulations made in that behalf, directs in writing.

2. The main inside and outside doors shall open outwardly, and any door leading to or being the principal or main entrance to the factory or to any tower stairways, or fire-escapes therein or belonging thereto, shall not be bolted, barred, or locked at any time during the ordinary and usual working hours in the factory, and

3. Every factory three or more storeys in height, in which persons are employed above the second storey, unless supplied with a sufficient number of tower stairways with iron doors, shall be provided with a sufficient number of fire-escapes; such fire-escapes shall consist of an iron stairway with a suitable railing, and shall be connected with the interior of the building by iron doors or windows, with iron shutters, and shall have suitable landings at every storey above the first, including the attic if the attic is occupied as a workroom, and such fire-escapes shall be kept in good repair and free from obstruction or encumbrance of any kind; Provided, always, that any of the requirements of this sub-section may be dispensed with in any factory if the inspector so directs.

A factory or workshop in which there is a contravention of this section shall be deemed to be kept unlawfully and so that the safety of any person employed therein is endangered. 47 V. c. 39, s. 16.

Parent of child or young girl employed contrary to Act liable to penalty.

17. The parent of any child or young girl employed in a factory in contravention of this Act shall, unless such employment is without the consent, connivance or wilful default of such parent, be guilty of an offence in contravention of this Act, and shall for each offence on summary conviction thereof incur and pay a fine of not more than \$50 and costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county where in the offence was committed for a period not exceeding three months. 47 V. c. 39, s. 17.

Notice where person employed is injured by fire.

18. If any fire occurs in a factory and causes death to any person employed therein, or serious bodily injury whereby any person employed therein is prevented from working for more than six days next after the occurrence of such fire, the employer shall forthwith after the expiration of said six days send a notice in writing of such fire to the inspector, in which notice the place of residence of the person injured, or the place to which he has been removed, shall be stated, and if any such notice is not so sent, the employer shall be liable to a fine not exceeding \$30. 47 V. c. 39, s. 18.

Notice where person employed is injured by machinery, etc.

19. Where there occurs in a factory any accident which either causes loss of life to a person employed in the factory or causes bodily injury to a person so employed, and is produced either by machinery moved by steam, water, or other mechanical power, or through a vat, pan, or other structure filled with hot liquid or molten metal or other substance, or by explosion, or by escape of gas, steam or metal, and is of such a nature as to prevent the person so bodily injured from returning to his work in the factory within six days after the occurrence of the accident, written notice of the accident shall forthwith be sent to the inspector stating the residence of the person killed or

injured, or the place to which he may have been removed, and if any such notice is not sent, the employer shall be liable to a fine not exceeding \$30. 47 V. c. 39, s. 19.

* 20. Where in a factory the owner or hirer of a machine or implement moved by steam, water, or other mechanical power, in or about or in connection with which machine or implement, children, young girls, or women are employed, is some person other than the employer as defined by this Act, and such children, young girls, or women are in the employment and pay of the owner or hirer of such machine or implement, in any such case such owner or hirer shall, so far as respects any offence against this Act, which may be committed in relation to such children, young girls, or women, be deemed to be the employer. 47 V. c. 39, s. 20.

Who to be deemed employer of children, etc., in certain cases.

21. The provisions of this Act which relate

1. To the cleanliness or to the freedom from effluvia, or to the overcrowding or ventilation of a factory : or

Certain provisions not to apply to private house.

2. To children, young girls and women being during any part of the times allowed for meals in a factory employed in the factory or being allowed to remain in any room ; or

3. To the affixing of any notice or abstract in a factory or specifying any matter in the notice so affixed : or

4. To the sending notice of accidents ;

shall not apply where persons are employed at home, that is to say, to a private house, room, or place which though used as a dwelling, might by reason of the work carried on there be a factory within the meaning of this Act, and in which neither steam, water nor other mechanical power is used, and in which the only persons employed are members of the same family dwelling there ; or to a factory which is conducted on the system of not employing children or young girls therein, and the occupier of which has served on the inspector notice of his intention to conduct his factory upon that system.

Where an employer has served on an inspector notice of his intention to conduct his factory on the system of not employing children or young girls therein, the factory shall be deemed for all the purposes of this Act to be conducted on the said system until the employer changes it, and no change shall be made until the employer has served on the inspector notice of his intention to change the system, and until the change a child or young girl employed in a factory shall be deemed to be employed contrary to the provisions of this Act ; a change in the said system shall not be made oftener than once a quarter, unless for special cause allowed in writing by the inspector. 47 V. c. 39, s. 21.

22. Every person who wilfully makes a false entry in any register, notice, certificate or document required by this Act to

Penalty in case of false entry, etc.

be left or served, or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration shall, upon conviction thereof, incur and be liable to imprisonment in the common gaol of the county wherein the offence was committed for a period not exceeding six months or to a fine of not more than \$100, with costs of prosecution, and in default of immediate payment of such fine and costs, then to imprisonment as aforesaid. 47 V. c. 39, s. 22.

Act not to
apply to per-
sons working
only at
repairs.

23. Nothing in this Act shall extend to any person being a mechanic, artisan or labourer, working only in repairing either the machinery in, or any part of, a factory. 47 V. c. 39, s. 23.

Regulations
may be made
by Lieut-
Gov. in Coun-
cil.

24. The Lieutenant-Governor in Council may from time to time, for the purpose of carrying out this Act—

1. Make such rules, regulations and orders for enforcing its provisions, and for the conduct and duties of the inspector, as may be deemed necessary ;

2. Appoint the inspector, who shall be paid such salary or compensation as from time to time may be appropriated for the purpose by the Legislative Assembly ; 47 V. c. 39, s. 24.

3. Designate and assign in the order appointing any inspector, the locality in and for which he is to be the inspector under this Act. 50 V. c. 35, s. 3.

Powers of
Inspector.

25. The inspector shall for the purposes of the execution of this Act, and for enforcing the regulations made under the authority thereof, have power to do all or any of the following things, namely,

1. To enter, inspect and examine at all reasonable times by day or night any factory and any part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory ;

2. To require the production of any register, certificate, notice or document required by this Act to be kept, and to inspect, examine, and copy the same ;

3. To take with him in either case a constable into a factory in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty ;

4. To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with, so far as respects the factory and the persons employed therein ;

5. To examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory, or whom he has rea-

sonable cause to believe to be, or to have been, within the two preceding months, employed in a factory, and to require such person to be so examined, and to sign a declaration of the truth of the matters respecting which he is so examined;

6. For the purposes of any investigation, inquiry or examination made by him under the authority of this Act, to administer an oath to and to summon any person to give evidence;

7. To exercise such other powers as may be necessary for carrying this Act into effect.

The employer and his agents and servants, shall furnish the means required by the inspector as necessary for an entry, inspection, examination, inquiry, or the exercise of his powers under this Act in relation to such factory.

Every person who wilfully delays the inspector in the exercise of any power under this section, or who fails to comply with a requisition or summons of the inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or who conceals or prevents a child, young girl or woman from appearing before or being examined by the inspector, or attempts so to conceal or prevent a child, young girl or woman, shall be deemed to obstruct an inspector in the execution of his duties under this Act: Provided always, that no one shall be required under this section to answer any question, or to give any evidence, tending to criminate himself.

Where the inspector is obstructed in the execution of his duties under this Act, the person obstructing him shall be liable to a fine not exceeding \$30; and where an inspector is so obstructed in a factory, the employer shall be liable to a fine not exceeding \$30, or where the offence is committed at night, \$100. 47 V. c. 39, s. 25.

26. The inspector, before entering, in pursuance of the powers conferred by this Act, without the consent of the occupier, any room or place actually used as a dwelling, as well as for a factory, shall, on an affidavit or statutory declaration of facts and reasons, obtain written authority to do so from the Lieutenant-Governor in Council, or such warrant as is hereinafter mentioned, from a Justice of the Peace or Police Magistrate.

Inspector before entering dwelling without consent of occupier to obtain special authority.

The affidavit or statutory declaration above mentioned may be inspected or produced in evidence, in all respects the same as an information on oath before a Justice.

A Justice of the Peace or Police Magistrate, if satisfied, by information on oath, that there is reasonable cause to suppose that any enactment of this Act is contravened in any such room or place as aforesaid, may, in his discretion, grant a warrant under his hand, authorizing the inspector named therein, at

any time within the period named therein, but not exceeding one month from the date thereof, to enter, in pursuance of this Act, the room or place named in the warrant, and exercise therein the powers of inspection and examination conferred by this Act, and the fines and provisions of this Act, with respect to obstruction of the inspector, shall apply accordingly. 47 V. c. 39, s. 26.

Inspector to be furnished with certificate and to produce same if demanded.

27. Every inspector under this Act shall be furnished with a formal certificate of his appointment, under the hand and seal of the Commissioner of Public Works for Ontario, and on applying for admission to a factory shall, if required, produce to the employer the said certificate. 47 V. c. 39, s. 27.

Notice to be sent to Inspector by person occupying factory.

28.—(1) Every person shall, within one month after he begins to occupy a factory, serve on the inspector a written notice containing the name of the factory, the place where it is situated, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the firm under which the business of the factory is to be carried on, and in default shall be liable to a fine not exceeding \$30.

(2) In every factory the employer shall keep in the form and with the particulars prescribed by any regulation made by the Lieutenant-Governor in Council in that behalf, a register of the women, young girls and children employed in that factory and of their employment, and of other matters under this Act; and shall send to the inspector such extracts from any register kept in pursuance of this Act as the inspector from time to time requires for the execution of his duties under this Act, and in default thereof such employer shall be liable to a fine not exceeding \$30. 47 V. c. 39, s. 28.

Notices to be affixed in factory.

29. There shall be affixed at the entrance of a factory and in such other parts thereof as the inspector directs, and be constantly kept so affixed in the form directed by the inspector and in such position as to be easily read by the persons employed in the factory—

1. Such notices of the provisions of this Act, and of any regulations made thereunder as the inspector deems necessary to enable the persons employed in the factory to become acquainted with their rights, liabilities and duties under this Act;

2. A notice of the name and address of the inspector;

3. A notice of the clock (if any) by which the period of employment and times for meals in the factory are regulated;

4. Every other notice and document (if any) required by this Act to be affixed in the factory.

In the event of a contravention of any provision or requirement of this section in a factory the employer shall be liable to a fine not exceeding \$20. 47 V. c. 39, s. 29.

30.—(1) Any notice, order, requisition, summons and document under this Act may be in writing or print, or partly in writing and partly in print. Notices, etc., and mode of service.

(2) Any notice, order, requisition, summons, and document required, or authorized to be served or sent, for the purposes of this Act may be served and sent by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or where that person is an employer, within the meaning of this Act, by delivering the same, or a true copy thereof, to his agent or to some person in the factory of which he is employer; it may also be served or sent by post by a prepaid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending, it shall be sufficient to prove that it was properly addressed and put into the post; and where it is required to be served on or sent to an employer it shall be deemed to be properly addressed, if addressed to him at the factory in respect of which he is employer, with the addition of the proper postal address, but without naming the person who is the employer. 47 V. c. 39. s. 30.

31. If any of the provisions of this Act, or of any regulations, rules or orders made under the authority thereof by the Lieutenant-Governor in Council or by any inspector are contravened, and no other penalty is herein provided for such contravention, the employer guilty of such contravention, shall on summary conviction thereof incur and pay a fine of not more than \$50 with costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding three months. 47 V. c. 39, s. 31. Penalty for contravention of Act where no express penalty provided.

32. If a factory is not kept in conformity with this Act, the Court of summary jurisdiction, in addition to, or instead of inflicting a fine, penalty or other punishment upon the employer, may order certain means to be adopted by the employer, within the time named in the order, for the purpose of bringing his factory into conformity with this Act: the Court may, also, upon application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the employer shall be liable to a fine not exceeding \$10 for every day that such non-compliance continues. 47 V. c. 39, s. 32. Power of court in addition to inflicting fine.

33. Where the employer is charged with an offence against this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the Court or tribunal at the time appointed for hearing the charge; and if after the commission of the offence has been proved the employer proves to the satis- Power of employer to exempt himself from fine on conviction of the actual offender.

faction of the Court that he had used due diligence to enforce the execution of the Act, and that the said other person had committed the offence in question without the knowledge, consent or connivance of him the employer, the said other person shall be summarily convicted of such offence and the employer shall be exempt from any fine, penalty or punishment. 47 V. c. 39, s. 33.

Inspector to proceed against actual offender.

34. Where it is made to appear to the satisfaction of the inspector at the time of discovering the offence that the employer had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the knowledge, consent or connivance of the employer and in contravention of his orders, then the inspector shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the employer. 47 V. c. 39, s. 34.

Fine on person committing offence for which employer is liable.

35. Where an offence for which an employer is liable under this Act to a fine has in fact been committed by some agent, servant, workman or other person, such agent, servant, workman or other person shall be liable to the same fine, penalty or punishment for such offence as if he were the employer. 47 V. c. 39, s. 35.

Restraint on cumulative fines.

36. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger fine, penalty or punishment than the highest fine, penalty or punishments fixed by this Act for the offence, except—

1. Where the repetition of the offence occurs after an information has been laid for the previous offence ; or,

2. Where the offence is one of employing two or more children, young girls or women, contrary to the provisions of this Act. 47 V. c. 39, s. 36.

Application of fines and penalties.

37. All fines or penalties in money imposed or recovered under or in pursuance of this Act, shall be paid by the convicting Justices or Police Magistrate, as the case may be, to the inspector, who shall forthwith pay the same over to the Treasurer of the Province to and for the use of the Province. 47 V. c. 39, s. 37.

Limitation of time and general provisions as to summary proceedings.

38. The following provisions shall have effect with respect to summary proceedings for offences and fines under this Act :

1. The information shall be laid within two months, or, where the offence is punishable at discretion by imprisonment, within three months after the commission of the offence.

2. The description of an offence in the words of this Act, or in similar words, shall be sufficient in law.

3. Any exception, exemption, proviso, excuse or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant.

4. It shall be sufficient to allege that a factory is a factory within the meaning of this Act, without more.

5. It shall be sufficient to state the name of the ostensible employer or the title of the firm by which the employer employing persons in the factory is usually known.

6. A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a Court of summary jurisdiction against which a person is authorized by this Act to appeal, shall not be removed by *certiorari* or otherwise, either at the instance of the Crown or of any private person, into the High Court except for the purpose of the hearing and determination of a special case. 47 V. c. 39, s. 38.

39. All prosecutions under this Act may be brought and heard before any two of Her Majesty's Justices of the Peace in and for the county where the penalty was incurred or the offence was committed or wrong done, and in cities and towns, in which there is a Police Magistrate, before such Police Magistrate; and save where otherwise provided by this Act the procedure shall be governed by *The Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions*. 47 V. c. 39, s. 39. Prosecutions and procedure. Rev. Stat. c. 74.

40. Such annual or other report of the inspector as the Lieutenant-Governor from time to time directs, shall be laid before the Legislative Assembly. 47 V. c. 39 s. 40. Report of Inspector to be laid before Legislative Assembly.

SCHEDULE.

| | |
|----------------------------------|----------------------------|
| Augur Factories. | Lithographers' Workshops. |
| Biscuit Factories. | Last Factories. |
| Boot and Shoe Factories. | Locomotive Works. |
| Brush Factories. | Lamp Goods Factories. |
| Button Factories. | Matrass Factories. |
| Book-binding Factories. | Marble Works. |
| Blanket Factories. | Match Factories. |
| Billiard Table Factories. | Machine Screw Works. |
| Bolt and Nut Factories. | Mill Furnishing Works. |
| Barb Wire Factories. | Machine Shops. |
| Breweries. | Nail Works. |
| Boiler Factories. | Organ Factories. |
| Bell Factories. | Paper Box Factories. |
| Bird Cage Factories. | Paper and Pulp Mills. |
| Blacking Factories. | Patent Medicine Factories. |
| Brass Foundries. | Paint Works. |
| Confectionery Factories. | Picture Frame Works. |
| Clothing Factories. | Piano Factories. |
| Cotton Factories. | Paper Collar Factories. |
| Cigar Factories. | Paper Bag Factories. |
| Cigar Box Factories. | Plated Metal Works. |
| Car Shops. | Planing Mills. |
| Cap Factories. | Potteries. |
| Carriage Goods (iron) Factories. | Reaper Knife Factories. |
| Chemical Works. | Rivet Works. |
| Cheese Box Factories. | Rubber Factories. |
| Child's Carriage Factories. | Rope Works. |
| Corset Factories. | Rolling Mills. |
| Clay Pipe Factories. | Stay Factories. |
| Canning Factories. | Sugar Refineries. |
| Clock Factories. | Show Case Factories. |
| Carriage Factories. | Stave Factories. |
| Carriage Wood-work Factories. | Salt Drying works. |
| Coffin Factories. | Silk Factories. |
| Cork Factories. | Shovel Factories. |
| Carpet Factories. | Spool Factories. |
| Distilleries. | Soap Works. |
| Dye Works. | Skate Works. |
| Envelope Factories. | Scale Works. |
| Emery Wheel Factories. | Straw Works. |
| Edge Tool Factories. | Saw Factories. |
| Electrotype Foundries. | Shirt Factories. |
| Foundries. | Safe Works. |
| Furniture Factories. | Sewing Machine Works. |
| File Works. | Saw Mills. |
| Furriers' Workshops. | Sash and Door Factories. |
| Flax Mills. | Tobacco Factories. |
| Glove Factories. | Type Foundries. |
| Glass Works. | Tanneries. |
| Horn Comb Factories. | Tub and Pail Works. |
| Hobby Horse Factories. | Tin Stamping Works. |
| Hames Factories. | Trunk Factories. |
| Hammer Factories. | Varnish Works. |
| Hat Factories. | Vinegar Works. |
| Iron Bridge Works. | Woollen Factories. |
| Knitting Factories. | Wire Goods Factories. |
| Knitting Needle Factories. | Wood Screw Factories. |
| Kaoka Factories. | Whip Factories. |
| Knitting Machine Factories. | Wall Paper Factories. |
| Sock Factories. | Window Shade Factories. |
| Laundries. | |

CHAPTER 209.

An Act for the protection of Infant Children.

| | |
|-------------------------------------|-----------------------------------|
| RESTRICTIONS ON RECEIVING INFANTS : | NOTICE OF DEATH OF INFANTS, s. 8. |
| TO BE NURSED FOR HIRE, s. 1. | INSPECTION OF REGISTERED HOUSES, |
| REGISTRATION OF HOUSES UNDER | s. 9. |
| THIS ACT, s. 2. | PENALTIES, s. 10. |
| Refusal of registration, s. 3. | EXPENSES OF ENFORCING ACT, s. 11. |
| Removal from register, s. 7. | TRIAL OF OFFENCES, s. 12. |
| REGISTER OF INFANTS, ss. 4, 5. | APPLICATION OF ACT, s. 13. |
| OFFENCES, s. 6. | |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall not be lawful for any person to retain or receive for hire or reward more than one infant, and in case of twins more than two infants, under the age of one year, for the purpose of nursing or maintaining such infants apart from their parents for a longer period than twenty-four hours, except in a house which has been registered as herein provided. 50 V. c. 36, s. 1. Restrictions as to receiving infants to be nursed for hire.

2. The municipal council of every local municipality shall keep a register of the names of persons applying to register for the purposes of this Act, and therein shall cause to be registered the name and house of every person so applying, and the situation of the house: and the council shall from time to time make by-laws for fixing the number of infants who may be received into any and every house so registered. The registration shall remain in force for one year. No fee shall be charged for registration. Every person who receives or retains any infant in contravention to the provisions of this Act, shall be guilty of an offence against this Act. 50 V. c. 36 s. 2. Registration of houses for reception of infants.

3. The municipal council may refuse to register any house unless satisfied that the house is suitable for the purposes for which it is to be registered, and unless satisfied by the production of the certificates that the person applying to be registered is of good character, and able to maintain such infants. 50 V. c. 36, s. 3. Authority to refuse registration.

4. The person registered as aforesaid, shall immediately enter in a register to be kept by him the name, sex, and age of every infant under his care, and the date at which, and the names and addresses of the persons from whom, they were received, and shall also enter in the said register the time Register of children.

when, and the names and addresses of the person by whom, every such infant received and retained as aforesaid shall be removed, immediately after the removal of the infant, and shall produce the register when required to do so by the municipal council; and in the event of his refusing so to produce the register, or neglecting to enter in a register the name, sex, and age of every infant, and the date at which and the names and addresses of the persons from whom they were received, and by whom they were removed respectively, shall be liable to a penalty not exceeding \$20. 50 V. c. 36, s. 4.

Forms of registration to be supplied.

5. The person registered shall be entitled to receive gratuitously from the municipal council, a book of forms for the registration of infants. This register may be in the form contained in the schedule to this Act. The book shall contain a printed copy of this Act. 50 V. c. 36, s. 5.

Offences.

6. If any person shall make false representations with a view to being registered under this Act, or shall forge any certificate for the purpose of this Act, or make use of any forged certificate knowing it to be forged, or shall falsify any register kept in pursuance of this Act, he shall be guilty of an offence against this Act. 50 V. c. 36, s. 6.

Removal from register.

7. If it shall be shewn to the satisfaction of the municipal council that a person whose house has been so registered as aforesaid has been guilty of serious neglect, or is incapable of providing the infants entrusted to his care with proper food and attention, or that the house specified in the register has become unfit for the reception of infants, it shall be lawful for the municipal council to strike his name and house off the register. 50 V. c. 36, s. 7.

Notice of death of infant.

8. The person registered as aforesaid, shall within twenty-four hours after the death of every infant so retained or received, cause notice thereof to be given to the coroner for the district within which the infant died, and the coroner shall hold an inquest on the body of the infant unless a certificate under the hand of a registered medical practitioner is produced to him by the person so registered certifying that such registered medical practitioner has personally attended or examined the infant, and specifying the cause of its death, and the coroner is satisfied by certificate that there is no ground for holding an inquest. If the person so registered neglects to give notice as aforesaid, he shall be guilty of an offence against this Act. 50 V. c. 36, s. 8.

Inspection.

9. It shall be the duty of the municipal council to provide for the visiting and inspecting, from time to time, of every house registered under this Act; and the persons or person appointed to inspect shall be entitled to enter the house at any time and to examine every part thereof; and to call for and examine the register which is required to be kept by the person

registering the house ; and to enquire into all matters concerning the house and the inmates thereof ; and it shall be the duty of the person registered to give all reasonable information to persons making the inspection, and to afford them every reasonable facility for viewing and inspecting the premises, and seeing the inmates thereof. 50 V. c. 36, s. 9.

10. Every person guilty of an offence against this Act shall, on conviction thereof, forfeit and pay a penalty not exceeding \$20 and costs, and in default of payment thereof, he shall be imprisoned in the common gaol of the county in which the offence was committed for a period of not less than six calendar months, and to be kept at hard labour, in the discretion of the Police Magistrate or other convicting Justices, and shall, in addition, be liable to have his name and house struck off the register. 50 V. c. 36, s. 10. Penalties.

11. All expenses incurred in and about the execution of this Act and the trial of offenders thereunder, shall be borne by the municipality in which the registered house is situated. 50 V. c. 36, s. 11. Expenses of enforcing Act.

12. Every offence against this Act shall be tried summarily before a Police Magistrate or any two Justices of the Peace having jurisdiction in the municipality in which the offence takes place, and all the provisions and powers as to summary trials contained in *The Act respecting Summary Proceedings before Justices of the Peace*, shall be applicable to prosecutions and trials under this Act, and to the judicial and other officers before whom the same are hereby authorized to be brought, in the same manner, and to the same extent, as if such provisions and powers were incorporated in this Act. 50 V. c. 36, s. 12. Trial of offences.
R. S. C. 1886,
c. 178.

13. The provisions of this Act shall not extend to the relatives or guardians of any infant retained or received as aforesaid, nor to benevolent and charitable institutions established for the protection or care of infants, and receiving aid from the Province or authorized by the Lieutenant-Governor to exercise the powers conferred by *The Act respecting Apprentices and Minors*. 50 V. c. 36, s. 13. Application of Act.
Rev. Stat. c.
142.

Schedule.

(Section 5.)

REGISTER OF INFANTS.

| Date at which received. | Name. | Sex. | Age. | Name and address of person from whom received. | Date at which removed. | Name and address of person by whom removed. |
|-------------------------|-------|------|------|--|------------------------|---|
| | | | | | | |

50 V. c. 36, Sched.

CHAPTER 210.

An Act to regulate the means of Egress from Public Buildings.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Doors of churches, etc., to be hung so as to open outwards.

1. In all churches, theatres, halls or other buildings heretofore or hereafter constructed or used for holding public meetings, or for places of public resort or amusement, all the doors shall be so hinged that they may open freely outwards, and all the gates of outer fences, if not so hinged, shall be kept open by proper fastenings during the time such buildings are publicly used, to facilitate the egress of people, in case of alarm from fire or other cause. R. S. O. 1877, c. 192, s. 1.

Congregations incorporated and trustees holding for congregations under Rev. Stat. c. 237, and pastors, etc., holding under 3 V. c. 74, liable for neglecting the provisions of this Act.

2. Congregations possessing corporate powers, and all trustees holding churches or buildings used for churches under *The Act respecting the property of Religious Institutions*, and incumbents and churchwardens holding churches, or buildings used for churches under the Act of the Parliament of the late Province of Upper Canada passed in the 3rd year of the reign of Her Majesty, Queen Victoria, chapter 74, intituled *An Act to make provision for the management of the Temporalities of the United Church of England and Ireland in this Province, and for other purposes therein mentioned*, and all other persons holding churches or buildings used for churches, under any other Act, shall be severally liable, as trustees for such societies or congregations, to the provisions of this Act. R. S. O. 1877, c. 192, s. 2.

3. Individuals, companies and corporations, owning or possessing public halls, churches or other buildings used for public meetings, who violate the provisions of this Act, shall be liable to a fine not exceeding \$50, recoverable on information before any two of Her Majesty's Justices of the Peace, or before the mayor or Police Magistrate of any city or town: one moiety of such fine shall be paid to the party laying the information, and the other moiety to the municipality within which the case arises: and parties so complained against shall be liable to a further fine of \$5 for every week succeeding that in which the complaint is laid, if the necessary changes are not made. R. S. O. 1877, c. 192, s. 3.

Individuals, companies and corporations liable to fine for neglecting the provisions of this Act.

4. In cities, towns and incorporated villages, it shall be the duty of the high bailiff, chief constable, or chief of police, to enforce the provisions of this Act, and such officers neglecting the performance of such duties shall be liable to a fine not exceeding \$50, recoverable in the manner and before the Justices of the Peace, and payable to the parties mentioned in the preceding section. R. S. O. 1877, c. 192, s. 4.

Duties of municipal officers.

5. County and township municipalities may, by by-law appoint an officer to enforce the provisions of this Act. R. S. O. 1877, c. 192, s. 5.

Officer to enforce this Act.

6. This Act shall not be construed to apply to convents or private chapels connected therewith. R. S. O. 1877, c. 192, s. 6.

Not to apply to convents.

See Cap. 184, s. 479 (16).

CHAPTER 211.

An Act to require the owners of Threshing and other Machines to guard against Accidents.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All persons owning or running any threshing machine, wood-sawing or other machine, which is connected to a horse-power by means of a tumbling rod or line of shafting, shall cause each of the knuckles, couplings or joints and jacks of such tumbling rod or line of shafting to be safely boxed or secured while running, with wood, leather or metal covering, in such manner as to prevent injury to persons passing over or near such tumbling rod, and the knuckles, couplings or joints and jacks thereof; and shall cause all oiling cups attached to

Certain machine to be so protected as to prevent injury to persons near them

arbors or journals to which driving belts are attached, to be furnished with tubes of tin or other material, which shall extend above the belts in such manner as shall prevent damage from oiling when the machine is in motion; and shall further cause a driver's platform to be placed on any horse-power used for driving machinery, of such size as to cover the gearing constituting said horse-power, and in such manner as to prevent accident arising to any person from contact with said gearing. R. S. O. 1877, c. 193, s. 1.

Penalty for non-compliance with provisions of this Act.

2. Any person or persons owning or running any threshing, wood-sawing or other machine, connected to a horse power by means of a tumbling rod or line of shafting who neglect or refuse to comply with the provisions of this Act, shall on summary conviction, on information or complaint before one or more Justices of the Peace, be liable to a fine of not less than \$1 nor more than \$20, over and above the costs of prosecution, and in default of payment of such fine and costs, the offender shall be imprisoned in the nearest common gaol for a period of not less than two or more than twenty days, at the discretion of such Justice or Justices of the Peace. R. S. O. 1877, c. 193, s. 2.

No action for services rendered if provisions of this Act are not complied with.

3. No action shall be maintained, nor shall any legal liability exist, for services rendered by or with any machine, such as is mentioned in section 1 of this Act, when it is made to appear that the said section has not been complied with. R. S. O. 1877, c. 193, s. 3.

Disposition of fines.

4. All fines imposed and collected under this Act shall be paid, one-half to the complainant or prosecutor, and the other half to the treasurer of the school section in which the offence was committed, for the use of the public school in such section. R. S. O. 1877, c. 193, s. 4.

Proceedings to be commenced within thirty days.

5. All proceedings against any person for any violation of section 1 of this Act shall be commenced within thirty days after the commission of the offence. R. S. O. 1877, c. 193, s. 5.

Convictions defective in form.

6. No conviction under this Act shall be annulled or vacated for any defect in the form thereof, or for any omission or informality in any summons or other proceeding under this Act, so long as no substantial injustice results therefrom. R. S. O. 1877, c. 193, s. 6.

CHAPTER 212.

An Act to make provision for the safety of Railway
Employees and the Public.

SHORT TITLE, s. 1.

APPLICATION OF ACT, s. 2.

PACKING, MEANING OF, s. 3.

BRIDGES, s. 4.

SPECIAL PROVISIONS AGAINST ACCI-
DENT, s. 5.LIABILITY OF COMPANY FOR DEFAULT,
ss. 6, 7.

Limit of compensation, s. 8.

Limitation of actions, s. 9.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. This Act may be cited as "*The Railway Accidents Act*." Short title.
44 V. c. 22, s. 1.

2. This Act and the respective provisions thereof apply to every railway and railway company in respect of which the Legislature of Ontario has authority to enact such provisions respectively; and in this Act the expression "Railway Company" includes the owner or lessee of any such railway, and the contractor working or operating the same. 44 V. c. 22, s. 2.

3. In this Act the word "packing" shall mean a packing of wood or metal, or some other equally substantial and solid material, of not less than two inches in thickness, and which, where by this Act required to be filled in, shall extend to within one and a-half inches of the crown of the rails in use on any such railway, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid. 44 V. c. 22, s. 3.

"Packing,"
meaning of.

Where new bridges are built or old ones re-built, space of 7 feet to be left between such bridges and the tops of freight cars.

4. Whenever a highway bridge or any other erection or structure shall be constructed over a railway, or whenever it shall become necessary to reconstruct any highway bridge, or other erection or structure built over a railway, or to make large repairs to the same, the lower beams or members of the superstructure of such highway or overhead bridge, or of any other erection or structure over any railway, and the approaches thereto, shall be constructed or reconstructed by and at the cost of the railway company or of the municipality or other owner of the bridge, erection or structure, as the case may be, and shall at all times be maintained at a sufficient height from the surface of the rails of the railway to admit of an open and clear headway of not less than seven feet between the top of the highest freight cars then running on the railway and the lower beams or members of such bridge or other erection; and thereafter, any railway company, before using higher freight cars than those running on their railway at the time of the construction or reconstruction of, or large repair to, such bridge or other erection or structure, shall, after having first obtained the consent of the municipality or of the owners of such highway bridge, or other erection or structure, raise the said bridge or other erection or structure, and the approaches thereto, if necessary, at the cost and charges of the railway company, so as to admit, as aforesaid, an open and clear headway of not less than seven feet over the top of the highest freight car then about to be used on the railway. 44 V. c. 22, s. 5.

[As to reconstruction of bridges existing on the 4th day of March, 1881, see 44 V. c. 22, s. 4.]

Special provisions against accident.

5. To make further provision against accidents, it is hereby further enacted that:

1. On every railway aforesaid, and at all times, the space between the rails in each railway frog extending from the point thereof backward to where the heads of such rails are not less than five inches apart, shall be filled in with packing;

2. On every such railway, and at all times during every month of April, May, June, July, August, September and October, the space between any wing-rail and railway frog, and between any guard-rail and any other rail fixed and used alongside thereof as aforesaid, and between all wing-rails where no other rail intervenes, shall (save only where space between the heads of such wing-rail and railway frog as aforesaid, or between the heads of any such guard-rail and other rail fixed and used alongside thereof as aforesaid, or between the heads of any such wing-rails where no other rail intervenes as aforesaid, is either less than one and three-quarters of an inch or more than five inches in width), be filled in with packing;

3. The running-board on the roof of each box car used for freighting purposes on such railway shall, at all times, be of a sufficient thickness and strength, and not less than thirty inches in width, and shall, with proper and safe supports, extend the whole length of the car and beyond each end thereof to a point not more than two inches less than that to which the dead-wood or bumpers at each end of such car likewise extend;

And every railway company owning, working or operating within this Province such railway shall on and throughout the railway so make, arrange and construct and rearrange, reconstruct and maintain all railway frogs, wing-rails, guard-rails and other rails forming part of the railway or used therewith, and every such space as aforesaid, and the filling in thereof with packing as aforesaid, and the running-board on every such box car as aforesaid, in such manner and at such time that the same shall respectively conform to and comply with the requirements in that behalf of this section. 44 V. c. 22, s. 6.

6. Where, within this Province personal injury is caused to a railway servant, whilst in the employment or service of a railway company, on any railway owned, worked or operated by the railway company, or to any other person lawfully in, upon or about the railway, or any train or car thereon, and the personal injury has been occasioned or arose either wholly or partly :

Railway company neglecting provisions of the preceding sections to be liable for injury occasioned by such neglect.

1. By reason of the lower beams or members of the superstructure of any highway, or other overhead bridge, or any other erection or structure over the railway, not being at all times, of a sufficient height from the surface of the rails to admit of an open and clear headway of at least seven feet between the top of the highest freight cars running on such railway, and the bottom of such lower beams or members ; or,

2. By reason of the space between the rails in any railway frog, extending from the point of the frog backward to where the heads of the rails are not less than five inches apart, not being, at all times, filled in with packing ; or,

3. By reason of the space between any wing-rail and any railway frog, and between any guard-rail and any other rail fixed and used alongside thereof as aforesaid, and between all wing-rails where no other rail intervenes (save only where the space between the heads of such wing-rail and railway frog as aforesaid, or between the heads of such guard rail and other rail fixed and used alongside thereof as aforesaid, or between the heads of such wing-rails where no other rail intervenes as aforesaid, is either less than one and three-

quarters of an inch or more than five inches in width), not being at all times during every month of April, May, June, July, August, September and October, filled in with packing; or,

4. By reason of the running-board on the roof of any box car used for freighting purposes on any such railway, not being of a sufficient thickness and strength, and at least thirty inches in width, and with proper and safe supports, extending the whole length of the car and beyond each end thereof to a point not more than two inches less than that to which the dead-wood or bumpers at each end of such car shall then be likewise extending—

such railway servant or other person, or, in case the injury results in death, the legal personal representatives of such servant or other person, and any persons entitled in case of death, shall be entitled to recover from the railway company compensation for all damages and loss sustained from or by reason of such injury; and where such injury has been so caused to or suffered by such railway servant, the right of compensation and the remedies against the railway company shall be the same as if the railway servant had not been a servant of, nor in the employment of the railway company, nor engaged in its work. 44 V. c. 22, s. 7.

When railway
not liable for
default.

7. A railway servant shall not be entitled under this Act to any right of compensation or remedy against the railway company of which he is the servant, in any of the following cases, that is to say:

1. Unless the default, matter, or thing wholly or partly occasioning the personal injury as mentioned in section 6 of this Act, arose from or had not been discovered or remedied, owing to the negligence of such railway company, or of some person in the service of and entrusted by the railway company with the duty of seeing that such default, matter or thing did not happen, occur or exist;

2. In any case where the railway servant knew of the matter, default or negligence which caused the injury, and failed within a reasonable time to give, or cause to be given, information thereof to the railway company or some person superior to himself in the service of the railway company, unless he was aware that the railway company or such superior already knew of the said matter, default or negligence;

3. In any case where the matter, default or negligence was occasioned by his own act, omission or negligence. 44 V. c. 22, s. 8.

8. The amount of compensation recoverable under this Act, in the case of injury to any railway servant as aforesaid, shall not exceed such sum as may be found equivalent to the estimated earnings, during the three years preceding the injury, of a person in the same grade, employed during those years in the like employment, and within this Province. 44 V. c. 22, s. 9.

9. An action for the recovery under this Act of compensation for an injury shall not be maintainable unless the action is commenced within six months from the occurrence of the accident causing the injury, or, in case of death, within twelve months from the time of death. 44 V. c. 22, s. 10.

Limit of compensation for injury.

Limitation of actions.

11. PROTECTION OF PROPERTY.

- CHAP. 213.—PRESERVATION OF FORESTS FROM FIRE, p. 2332.
 “ 214.—TAX ON DOGS AND PROTECTION OF SHEEP, p. 2335.
 “ 215.—POUNDS AND POUND-KEEPERS, p. 2341.
 “ 216.—CONTAGIOUS DISEASES AMONG HORSES AND OTHER ANIMALS,
 p. 2346.
 “ 217.—INVESTIGATION OF ACCIDENTS BY FIRE, p. 2350.
 “ 218.—FILLING UP ABANDONED OIL WELLS, p. 2352.
 “ 219.—LINE FENCES, p. 2353.
 “ 220.—DITCHES AND WATERCOURSES, p. 2360.

CHAPTER 213.

An Act to preserve the Forests from destruction by Fire.

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|--|--|
| PROCLAMATION OF FIRE DISTRICT, ss. 1-3. | LOCOMOTIVE ENGINES, MANAGEMENT OF, ss. 9, 10. |
| RESTRICTIONS AS TO STARTING FIRES, s. 4. | PENALTY, s. 11. |
| PRECAUTIONS AS TO FIRES FOR CLEAR- ING LAND, s. 5. | LIMITATION OF ACTIONS, s. 12. |
| Fire for cooking, s. 6. | DISPOSAL OF FINES, s. 13. |
| Matches, cigars, fire-arms, s. 7. | ENFORCING ACT, s. 14. |
| ACT TO BE READ TO EMPLOYEES BY SURVEYORS, ETC., s. 8. | RIGHT TO DAMAGES NOT AFFECTED, s. 15. |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lt.-Governor
may proclaim
a district.

1. The Lieutenant-Governor, may, by proclamation to be made by him from time to time, issued by and with the advice and consent of the Executive Council, declare any portion or part of the Province of Ontario to be a fire district. 41 V. c. 23, s. 1.

Proclamation
to be published.

2. Every proclamation under this Act shall be published in the *Ontario Gazette*; and such portion or part of the Province as is mentioned and declared to be a fire district in and by the said proclamation, shall, from and after the said publication, become a fire district within the meaning and for the purposes of this Act. 41 V. c. 23, s. 2.

3. Every portion or part of the Province mentioned in the proclamation shall cease to be a fire district upon the revocation by the Lieutenant-Governor in Council of the proclamation by which it was created. 41 V. c. 23, s. 3.

4. It shall not be lawful for any person to set out, or cause to be set out or started, any fire in or near the woods within any fire district between the 1st day of April and the 1st day of November in any year, except for the purpose of clearing land, cooking, obtaining warmth, or for some industrial purpose; and in cases of starting fires for any of the above purposes, the obligations and precautions imposed by the following sections shall be observed. 41 V. c. 23, s. 4.

5. Every person who shall, between the 1st day of April and the 1st day of November, make or start a fire within a fire district for the purpose of clearing land, shall exercise and observe every reasonable care and precaution in the making and starting of such fire, and in the managing of and caring for the same after it has been made and started, in order to prevent the fire from spreading and burning up the timber and forests surrounding the place where it has been so made and started. 41 V. c. 23, s. 5.

6. Every person who shall, between the 1st day of April and the 1st day of November, make or start within such a district a fire in the forest, or at a distance of less than half-a-mile therefrom, or upon any island, for cooking, obtaining warmth, or for any industrial purpose, shall—

1. Select a locality in the neighbourhood in which there is the smallest quantity of vegetable matter, dead wood, branches, brushwood, dry leaves, or resinous trees;

2. Clear the place in which he is about to light the fire by removing all vegetable matter, dead trees, branches, brushwood, and dry leaves from the soil within a radius of ten feet from the fire;

3. Exercise and observe every reasonable care and precaution to prevent such fire from spreading, and carefully extinguish the same before quitting the place. 41 V. c. 23, s. 6.

7. Any person who shall throw or drop any burning match, ashes of a pipe, lighted cigar or any other burning substance, or who shall discharge any fire-arm within such fire district, shall be subject to the pains and penalties imposed by this Act if he neglect completely to extinguish before leaving the spot the fire of such match, ashes of a pipe, cigar, wadding of the fire-arm or other burning substance. 41 V. c. 23, s. 7.

8. Every person in charge of any drive of timber, survey or exploring party, or of any other party requiring camp-fires for cooking or other purposes, within a fire district, shall pro-

Revocation.

Fires not to be started except for certain purposes and in certain periods.

Precautions to be taken in case of clearing land.

Precautions in case of cooking, etc.

Precautions in cases of matches, burning substances, etc.

Act to be taken to camp-fires by heads of surveys, lumberers, etc.

vide himself with a copy of this Act, and shall call his men together and cause the Act to be read in their hearing, and explained to them at least once in each week during the continuance of such work or service. 41 V. c. 23, s. 8.

Precautions as to locomotives.

9. All locomotive engines used on any railway which passes through any fire district or any part of a fire district, shall, by the company using the same, be provided with and have in use all the most approved and efficient means used to prevent the escape of fire from the furnace or ash-pan of such engines, and the smoke-stack of each locomotive engine so used shall be provided with a bonnet or screen of iron or steel wire netting, the size of the wire used in making the netting to be not less than number nineteen of the Birmingham wire gauge, or three sixty-fourth parts of an inch in diameter, and shall contain in each inch square at least eleven wires each way at right angles to each other, that is in all twenty-two wires to the inch square. 41 V. c. 23, s. 9.

Duty of engine drivers.

10. It shall be the duty of every engine driver in charge of a locomotive engine passing over a railway within the limits of any fire district, to see that all such appliances as are above mentioned are properly used and applied, so as to prevent the unnecessary escape of fire from any such engine as far as it is reasonably possible to do so. 41 V. c. 23, s. 10.

Penalty.

11. Whosoever unlawfully neglects or refuses to comply with the requirements of this Act in any manner whatsoever, shall be liable, upon a conviction before any Justice of the Peace, to a penalty not exceeding \$50 over and above the costs of prosecution, and in default of payment of such fine and costs the offender shall be imprisoned in the common gaol for a period not exceeding three months; and any railway company permitting a locomotive engine to be run in violation of the provisions of section 9 of this Act shall be liable to a penalty of \$100 for each offence, to be recovered with costs in any Court of competent jurisdiction. 41 V. c. 23, s. 11.

Limitation of actions.

12. Every action for any contravention of this Act shall be commenced within three months immediately following such contravention. 41 V. c. 23, s. 12.

Disposal of fines.

13. All fines and penalties imposed and collected under this Act shall be paid one-half to the prosecutor and the other half to Her Majesty for the public use of the Province. 41 V. c. 23, s. 13.

Government agents to enforce this Act.

14. It shall be the special duty of every Crown Land agent, woods and forest agent, free grant agent and bush ranger to enforce the provisions and requirements of this Act, and in all

cases coming within the knowledge of any such agent or bush ranger to prosecute every person guilty of a breach of any of the provisions and requirements of the same. 41 V. c. 23, s.14,

15. Nothing in this Act contained shall be held to limit or interfere with the right of any party to bring and maintain a civil action for damages occasioned by fire, and such right shall remain and exist as though this Act had not been passed. 41 V. c. 23, s. 15.

Act not to interfere with right of action for damages

CHAPTER 214.

An Act to impose a Tax on Dogs and for the Protection of Sheep.

TAX ON DOGS:

To be levied annually, unless otherwise provided by by-law, ss. 1-2.

Duty of assessors, s. 3.

Duty of owners of dogs, s. 4.

Collection of tax, ss. 5-6.

Tax to form a fund for paying damages for injury to sheep, unless otherwise provided by by-law, ss. 7-8.

PROTECTION OF SHEEP:

Dog worrying sheep may be killed, s. 9.

Plea to action for killing dog, s. 10.

Destruction of dog which has worried sheep, ss. 11-13.

Liability of owner of dog, ss. 14-16, 21.

Payment by municipal council for damage to sheep, ss. 17-20.

FEES AND RETURNS BY MAGISTRATES, s. 22.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

TAX ON DOGS.

1. Subject to the provisions of the next section, there shall be levied annually, in every municipality in Ontario, upon the owner of each dog therein, an annual tax of \$1 for each dog, and \$2 for each bitch. R. S. O. 1877, c. 194, s. 1.

Annual tax on dogs.

2.—(1) In case the council of any county or union of counties deems it advisable to dispense with the levy of the said tax, it shall be lawful for such council to declare, by by-law, that the said tax shall not be levied in any of the municipalities within its jurisdiction.

Unless dispensed with by County by-law.

(2) Immediately upon the passing of such county by-law the council shall cause its clerk to transmit a copy of the same to the assessors of every municipality within its law.

Tax may be restored by Township by-law.

jurisdiction; and the county by-law shall have effect within every such municipality, unless the council thereof by by-law declares this Act to be in force therein, whereupon the county by-law shall not apply to or have any effect within such municipality. R. S. O. 1877, c. 194, s. 2.

Duty of assess-
ors herein.

3. The assessors of every municipality within which this Act has not been dispensed with, as provided in the preceding section, shall, at the time of making their annual assessment, enter on the assessment roll, in a column prepared for the purpose, opposite the name of every person assessed, and also opposite the name of every resident inhabitant not otherwise assessed, being the owner or keeper of any dog or dogs, the number by him or her owned or kept. R. S. O. 1877, c. 194, s. 3. See Cap. 191, s. 14 (3), & *Sched. B.*

Duty of own-
ers of dogs.

4. The owner or keeper of any dog shall, when required by the assessors, deliver to them, in writing, the number of dogs owned or kept, whether one or more; and for every neglect or refusal to do so, and for every false statement made in respect thereof, shall incur a penalty of \$5 to be recovered with costs before any Justice of the Peace for the municipality. R. S. O. 1877, c. 194, s. 4.

Penalty.

Tax entered
on collector's
roll.

5. The collector's roll of the municipality shall contain the name of every person entered on the assessment roll as the owner or keeper of any dog with the tax hereby imposed, in a separate column; and the collector shall proceed to collect the same, and at the same time and with the like authority, and make returns to the treasurer of the municipality, in the same manner, and subject to the same liabilities in all respects for paying over the same to the treasurer, as in the case of other taxes levied in the municipality. R. S. O. 1877, c. 194, s. 5.

Proceedings
where collec-
tor has failed
to collect taxes
from parties
assessed.

6. In cases where parties have been assessed for dogs, and the collector has failed to collect the taxes authorized by this Act, he shall report the same under oath to any Justice of the Peace, and such Justice shall, by an order under his hand and seal, to be served by any duly qualified constable, require such dogs to be destroyed by the owners thereof; and if such owners neglect or refuse to obey the said order, they shall be liable to the penalty, to be recovered in the same way and manner as provided in section 15 of this Act; and in case any collector neglects to make the aforesaid report within the time required for paying over the taxes levied in the municipality, he shall be liable to a penalty of \$10 and costs, to be recovered in the same manner as provided in section 15 of this Act. R. S. O. 1877, c. 194, s. 6.

Penalty.

Penalty.

Tax to form
fund for dam-
ages, etc.

7. The money collected and paid to the clerk or treasurer of any municipality under the preceding sections, shall consti-

tute a fund for satisfying such damages as arise in any year from dogs killing or injuring sheep or lambs in such municipality ; and the residue, if any, shall form part of the assets of the municipality for the general purposes thereof ; but when it becomes necessary in any year for the purpose of paying charges on the same, the fund shall be supplemented to the extent of the amount which has been applied to the general purposes of the municipality. R. S. O. 1877, c. 194, s. 7.

8.—(1) In case the council of any county or union of counties deems it advisable that the tax by this Act established should be maintained, but that the application of the proceeds thereof by this Act provided should be dispensed with, it shall be lawful for such council by by-law to declare that such application shall be dispensed with ; and thereafter during the continuance of such by-law, the sections of this Act numbered 6, 7, and 15 to 21 inclusive shall have no force or effect in any of the municipalities within the jurisdiction of such council ; and the moneys collected and paid to the clerk or treasurer of any such municipality, under the remaining sections of this Act, shall be the property of such municipality, and shall be subject to its disposition in like manner as other local taxes. R. S. O. 1877, c. 194, s. 8.

Provision for cases in which council maintains taxes, but does not apply proceeds thereof.

(2) Immediately upon the passing of such county by-law the council shall cause its clerk to transmit a copy of the same to the clerk of every municipality within its jurisdiction, and the county by-law shall have effect within every such municipality, unless the council thereof by by-law declares this Act to be in force therein, whereupon the said county by-law shall not apply to or have any effect within such municipality. 47 V. c. 40, s. 1.

Township may pass by-law to apply proceeds of taxes in payment to sheep.

PROTECTION OF SHEEP.

9. Any person may kill any dog which he sees pursuing, worrying or wounding any sheep or lamb. R. S. O. 1877, c. 194, s. 10.

Dogs seen worrying sheep may be killed.

10. The defendant in any action of damages for killing a dog under the circumstances in the preceding section mentioned, may plead not guilty by statute and give this Act and the special matter in evidence. R. S. O. 1877, c. 194, s. 11.

Plea to action for killing a dog.

11. On complaint made in writing on oath before a Justice of the Peace for any city, town or county, or union of counties, that any person residing in such city, town or county, or union of counties, owns or has in his possession a dog which has within six months previous worried and injured or destroyed any sheep, the Justice of the Peace may issue his summons, directed to such person, stating shortly the matter of the complaint, and requiring such person to appear be-

Persons owning dogs addicted to worrying may be summoned before a Justice of the Peace.

fore him, at a certain time and place therein stated, to answer to such complaint, and to be further dealt with according to law. R. S. O. 1877, c. 194, s. 12.

Proceedings
of the fact, dog
regulated,
Rev. Stat. c.
74.

12. The proceedings on the complaint and summons shall be regulated by *The Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions*, which shall apply to cases under this Act. R. S. O. 1877, c. 194, s. 13.

On conviction
of the fact, dog
to be ordered
to be destroyed
and owner
fined.

13. In case any person is convicted, on the oath of a credible witness, of owning or having in his possession a dog which has worried and injured or destroyed any sheep, the Justice of the Peace may make an order for the killing of such dog (describing the same according to the tenor of the description given in the complaint and in the evidence) within three days, and in default thereof may in his discretion impose a fine upon such person, not exceeding \$20 with costs; and all penalties imposed under this section shall be applied to the use of the municipality in which the defendant resides. R. S. O. 1877, c. 194, s. 14.

Conviction no
bar to action
for damages.

14. No conviction under this Act shall be a bar to any action by the owner or possessor, as aforesaid, of any sheep for the recovery of damages for the injury done to such sheep, in respect of which such conviction is had. R. S. O. 1877, c. 194, s. 15.

Extent of
liability of
owner or
keeper of dog.

15.—(1) The owner of any sheep or lamb killed or injured by any dog shall be entitled to recover the damage occasioned thereby from the owner or keeper of such dog, by an action for damages or by summary proceedings before a Justice of the Peace, on information or complaint before such Justice, who is hereby authorized to hear and determine such complaint, and proceed thereon in the manner provided by *The Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions*, in respect to proceedings therein mentioned; and such aggrieved party shall be entitled so to recover on such action or proceedings, whether the owner or keeper of such dog knew or did not know that it was vicious or accustomed to worry sheep. R. S. O. 1877, c. 194, s. 16.

Rev. Stat. c.
74.

Apportion-
ment of dam-
age.

(2) If it shall appear before the Court or Judge at the trial of any such action for damages, or before such Justice at the hearing of the said information or complaint before him, that the damage or some part of the damage sustained by such aggrieved party was the joint act of some other dog or dogs, and of the dog or dogs owned or kept by the person charged in such information or complaint, the Court, Judge or Justice shall have power to decide and apportion the damages sustained by the complainant, among and against the respective owners or keepers of the said dogs, as far as such owners or keepers are known, in such shares and proportions as such Court, Judge or

Justice shall think fit, and to award the same by the judgment of the said Court or Judge, or in the conviction of such Justice, on behalf of such aggrieved person.

(3) When in the opinion of the Court, Judge or Justice, the damages were occasioned by dogs the owner or owners of which are known, and dogs the owner or owners of which are unknown, or the owner or owners of which have not been summoned to appear before the Court, Judge or Justice, the Court, Judge or Justice may decide and adjudge as to the proportion of the damages which, having regard to the evidence adduced as to the strength, ferocity and character of the various dogs shewn to have been engaged in committing such damage, was probably done by the dogs the owner or owners of which have been summoned to appear before the Court, Judge or Justice, and shall determine in respect thereof and apportion the damage which the Court, Judge or Justice decides to have been probably done by the dogs whose owners have been summoned, amongst the various owners who have been summoned as aforesaid.

(4) The same proceedings shall be thereupon had against any person found by the Judge or Justice to be the owner or keeper of the dog or dogs which by such Court, Judge or Justice shall have been found to have contributed to the damage sustained by the person aggrieved, as if the information or complaint had been laid in the first instance against such person.

(5) The Court, Judge or Justice shall not decide and apportion the damage against any person other than the person in the information or complaint first charged, nor award the same in the judgment or conviction without such other person having been summoned to appear before the Court, Judge or Justice, and having had an opportunity of calling witnesses.

(6) Appeals against any conviction, apportionment or order made under this section, shall be made to the Division Court holden in the division in which the cause of action arose, or in which the party complained against, or one of them, resided at the time of making the complaint; and the proceedings shall be the same as nearly as may be, as on appeals under *The Act respecting Master and Servant*. 48 V. c. 46, s. 1. Rev. Stat.
c. 139.

16. The owner or keeper of any dog or dogs, to whom notice is given of any injury done by his dog or dogs to any sheep or lamb, or of his dog or dogs having chased or worried any sheep or lamb, shall, within forty-eight hours after such notice, cause such dog or dogs to be killed; and for every neglect so to do he shall forfeit a sum of \$2.50 for each such dog, and a further sum of \$1.25 for each such dog for every forty-eight hours thereafter, until the same is killed, if it is proved to the satisfaction of the Justice of the Peace before whom proceedings are taken for the recovery of such penalties, that such dog or dogs has or have worried or otherwise injured such sheep or

Dogs known
to worry sheep
to be killed
by owner.

Penalty.

Proviso.

Proviso.

lamb: but no such penalties shall be enforced in case it appears to the satisfaction of the Justice of the Peace that it was not in the power of the owner or keeper to kill such dog or dogs. R. S. O. 1877, c. 194, s. 17.

Provision for cases where there is a conviction, but distress insufficient.

17. In case the owner of any sheep or lamb so killed or injured proceeds against the owner or keeper of the dog that committed the injury, before a Justice of the Peace, as provided by this Act, and is unable on the conviction of the offender, to levy the amount ordered to be paid, for want of sufficient distress to levy the same, then the council of the municipality in which the offender resided at the time of the injury shall order their treasurer to pay to the aggrieved party the amount ordered to be paid by the Justice under the conviction, saving and excepting the costs of the proceedings before the Justice and before the council. R. S. O. 1877, c. 194, s. 18.

Provision for cases in which owner of dog not known.

18. The owner of any sheep or lamb killed or injured by any dog, the owner or keeper of which is not known, may within three months apply to the council of the municipality in which such sheep or lamb was so killed or injured, for compensation for the injury; and if the council (any member of which shall be competent to administer an oath or oaths in examining parties in the premises) is satisfied that the aggrieved party has made diligent search and inquiry to ascertain the owner or keeper of such dog, and that such owner or keeper cannot be found, they shall award to the aggrieved party for compensation a sum not exceeding two-thirds of the amount of the damage sustained by him; and the treasurer of the municipality shall pay over to him the amount so awarded. R. S. O. 1877, c. 194, s. 19.

After compensation paid by municipality, claims to belong to them.

19. After the owner of such sheep or lamb has received from the municipality any money under either of the preceding sections, his claim shall thenceforth belong to the municipality; and they may enforce the same against the offending party for their own benefit, by any means or form of proceeding that the aggrieved party was entitled to take for that purpose, but in case the municipality recovers from the offender more than they had paid to the aggrieved party, besides their costs, they shall pay over the excess to the aggrieved party for his own use. R. S. O. 1877, c. 194, s. 20.

Proviso.

Cases where owner of sheep, etc., has no compensation.

20. The owner of any sheep or lamb killed or injured while running at large upon any highway or unenclosed land, shall have no claim under this Act to obtain compensation from any municipality. R. S. O. 1877, c. 194, s. 21.

Liability of dog owner to sheep owner where tax not imposed.

21. If the council of any county or union of counties, by by-law, decides to dispense with the levy of the aforesaid tax in the municipalities within its jurisdiction, the owner of any sheep or lamb may, notwithstanding, sue the

owner or keeper of any dog or dogs for the damage or injury done by the said dog or dogs to the said sheep or lamb; and the same shall be recovered in the manner provided by section 15 of this Act. R. S. O. 1877, c. 194, s. 22.

22. Every Justice of the Peace shall be entitled to charge such fees in cases of prosecutions or orders under this Act as it is lawful for him to charge in other cases within his jurisdiction, and he shall make the returns usual in cases of conviction, and also a return in each case to the clerk of the municipality, whose duty it shall be to enter the same in a book to be kept for that purpose. R. S. O. 1877, c. 194, s. 23.

Fees and returns by Justices.

CHAPTER 215.

An Act respecting Pounds.

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| ACT TO BE IN FORCE UNTIL SUPERSEDED BY BY-LAW, s. 1. | NOTICE OF SALE, ss. 11-13. |
| LIABILITY OF OWNER OR OCCUPANT, s. 2. | KEEPER TO FEED IMPOUNDED ANIMALS, s. 14. |
| ANIMALS WHICH MAY BE IMPOUNDED, s. 3. | Recovery of expenses, ss. 15-18. |
| Where to be confined if pound insecure, s. 4. | SALE OF ANIMAL NOT REDEEMED OR REPLEVIED, s. 18. |
| Release on security being furnished, s. 5. | PROCEEDINGS WHEN DAMAGES DISPUTED, ss. 19-21. |
| STATEMENT OF DEMAND TO BE FURNISHED TO POUND-KEEPER, s. 5. | PENALTIES : |
| WHEN DISTRAINOR MAY DETAIN ANIMAL, s. 6. | Neglect to feed impounded animals, s. 22. |
| Notice by distrainor in such case, ss. 7-10. | Neglect of duty by fence viewers, s. 23. |
| | Recovery, s. 24. |
| | Application, s. 25. |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Until varied or other provisions are made by by-laws Act may be superseded by by-laws under section 490 of *The Municipal Act*, this Act shall be in force in every township, city, town, village and incorporated village in Ontario. R. S. O. 1877, c. 195, s. 1. 184, s. 490.

2. The owner or occupant of any land shall be responsible for any damage or damages caused by any animal or animals under his charge and keeping, as though such animal or animals Liability for damage done.

were his own property, and the owner of any animal not permitted to run at large by the by-laws of the municipality, shall be liable for any damage done by such animal, although the fence enclosing the premises was not of the height required by such by-laws. R. S. O. 1877, c. 195, s. 2.

What animals
to be im-
pounded.

3. If not previously replevied, the pound-keeper shall impound any horse, bull, ox, cow, sheep, goat, pig, or other cattle, geese or other poultry, distrained for unlawfully running at large, or for trespassing and doing damage, delivered to him for that purpose by any person resident within his division who has distrained the same; or if the owner of geese or other poultry refuses or neglects to prevent the same from trespassing on his neighbours' premises after a notice in writing has been served upon him of their trespass, then the owner of such poultry may be brought before any Justice of the Peace and fined such sum as the Justice directs. R. S. O. 1877, c. 195, s. 3.

Poultry.

When the
common
pound is not
safe.

4. When the common pound of the municipality or place wherein a distress has been made is not secure, the pound-keeper may confine the animal in any enclosed place within the limits of the pound-keeper's division within which the distress was made. R. S. O. 1877, c. 195, s. 4.

Statement of
demand to be
made to
pound-keeper
by impounder.

5. The owner of any animal impounded shall at any time be entitled to his animal, on demand made therefor, without payment of any poundage fees, on giving satisfactory security to the pound-keeper for all costs, damages, and poundage fees that may be established against him, but the person distraining and impounding the animal shall, at the time of the impounding, deposit poundage fees, if such are demanded, and within twenty-four hours thereafter deliver to the pound-keeper duplicate statements in writing of his demands against the owner for damages (if any), not exceeding \$20, done by such animal, exclusive of such poundage fees, and shall also give his written agreement (with a surety if required by the pound-keeper) in the form following, or in words to the same effect:

Form of agree-
ment with
pound-keeper:

"I (or we, as the case may be) do hereby agree that I (or we) will pay to the owner of the (*describing the animal*) by me (*A. B.*) this day impounded, all costs to which the said owner may be put in case the distress by me the said *A. B.* proves to be illegal, or in case the claim for damages now put in by me the said *A. B.* fails to be established."

R. S. O. 1877, c. 195, s. 5.

When animal
may be retain-
ed by dis-
trainer.

6. In case the animal distrained is a horse, bull, ox, cow, sheep, goat, pig or other cattle, and if the same is distrained by a resident of the municipality for straying within his premises, such person, instead of delivering the animal to a pound-keeper, may retain the animal in his own possession, provided he makes no claim for damages done by the animal, and duly gives the notices hereinafter in that case required of him. R. S. O. 1877, c. 195, s. 6.

7. If the owner is known to him, he shall forthwith give to the owner notice in writing of having taken up the animal. Notice owner if known.
R. S. O. 1877, c. 195, s. 7.

8. If the owner is unknown to the person taking up and retaining possession of the animal, such person shall, within forty-eight hours, deliver to the clerk of the municipality a notice in writing of having taken up the animal, and containing a description of the colour, age and natural and artificial marks of the animal, as near as may be. If unknown, notice to clerk of municipality.
R. S. O. 1877, c. 195, s. 8.

9. The clerk, on receiving such notice, shall forthwith enter a copy thereof in a book to be kept by him for that purpose, and shall post the notice he receives, or copy thereof, in some conspicuous place on or near the door of his office, and continue the same so posted for at least one week, unless the animal is sooner claimed by the owner. Duty of clerk thereon.
R. S. O. 1877, c. 195, s. 9.

10. If the animal or any number of animals taken up at the same time is or are of the value of \$10 or more, the distrainer shall cause a copy of the notice to be published in a newspaper in the county, if one is published therein, and if not, then in a newspaper published in an adjoining county, and to be continued therein once a week for three successive weeks. If the animals are worth \$10 or over.
R. S. O. 1877, c. 195, s. 10.

11. In case an animal is impounded, notices for the sale thereof shall be given by the pound-keeper or person who impounded the animal within forty-eight hours afterwards, but no pig or poultry shall be sold till after four clear days, nor any horse or other cattle till after eight clear days from the time of impounding the same. Notice of sale. When sale may be made.
R. S. O. 1877, c. 195, s. 11.

12. In case the animal is not impounded, but is retained in the possession of the party distraining the same, if the animal is a pig, goat or sheep, the notices for the sale thereof shall not be given for one month, and if the animal is a horse or other cattle, the notices shall not be given for two months after the animal is taken up. If animal is not impounded, but retained.
R. S. O. 1877, c. 195, s. 12.

13. The notices of sale may be written or printed, and shall be affixed and continued for three clear successive days, in three public places in the municipality, and shall specify the time and place at which the animal will be publicly sold, if not sooner replevied or redeemed by the owner or some one on his behalf, paying the penalty imposed by law (if any), the amount of the injury (if any) claimed or decided to have been committed by the animal to the property of the person who distrained it, together with the lawful fees and charges of the pound-keeper, and also of the fence-viewers (if any); and the expenses of the animal's keeping. Notice of sale unless redeemed.
R. S. O. 1877, c. 195, s. 13.

Keeper to feed
impounded
cattle,

14. Every pound-keeper, and every person who impounds or confines, or causes to be impounded or confined, any animal in any common pound or in any open or close pound, or in any enclosed place, shall daily furnish the animal with good and sufficient food, water and shelter, during the whole time that such animal continues impounded or confined. R. S. O. 1877, c. 195, s. 14.

And may re-
cover the
value.

15. Every such person who furnishes the animal with food, water and shelter, may recover the value thereof from the owner of the animal, and also a reasonable allowance for his time, trouble and attendance in the premises. R. S. O. 1877, c. 195, s. 15.

In what man-
ner such value
may be re-
covered.

16. The value or allowance as aforesaid may be recovered, with costs, by summary proceeding before any Justice of the Peace within whose jurisdiction the animal was impounded, in like manner as fines, penalties or forfeitures for the breach of any by-law of the municipality may by law be recovered and enforced by a single Justice of the Peace; and the Justice shall ascertain and determine the amount of such value and allowance when not otherwise fixed by law, adhering, so far as applicable, to the tariff of pound-keepers' fees and charges established by the by-laws of the municipality. R. S. O. 1877, c. 195, s. 16.

Other mode of
enforcing.

17. The pound-keeper, or person so entitled to proceed, may, instead of such summary proceeding, enforce the remuneration to which he is entitled in manner hereinafter mentioned. R. S. O. 1877, c. 195, s. 17.

Sale, how
effected, etc.,
and purchase
money, how
applied.

18. In case it is proved by affidavit before one of the Justices aforesaid, to his satisfaction, that all the proper notices had been duly affixed and published in the manner and for the respective times above prescribed, then if the owner or some one for him does not within the time specified in the notices, or before the sale of the animal, replevy or redeem the same in manner aforesaid, the pound-keeper who impounded the animal, or if the person who took up the animal did not deliver such animal to any pound-keeper, but retained the same in his own possession, then any pound-keeper of the municipality may publicly sell the animal to the highest bidder, at the time and place mentioned in the aforesaid notices, and after deducting the penalty and the damages (if any) and fees and charges, shall apply the product in discharge of the value of the food and nourishment, loss of time, trouble and attendance so supplied as aforesaid and of the expenses of driving or conveying and impounding or confining the animal, and of the sale and attending the same, or incidental thereto, and of the damage when legally claimable (not exceeding \$20.) to be ascertained as aforesaid, done by the animal to the property of the person at whose suit the same was distrained, and

shall return the surplus (if any) to the original owner of the animal, or if not claimed by him within three months after the sale, the pound-keeper shall pay such surplus to the treasurer of and for the use of the municipality. R. S. O. 1877, c. 195, s. 18.

19. If the owner, within forty-eight hours after the delivery of such statements, as provided in section 5, disputes the amount of the damages so claimed, the amount shall be decided by the majority of three fence-viewers of the municipality, one to be named by the owner of the animal, one by the person distraining or claiming damages, and the third by the pound-keeper. R. S. O. 1877, c. 195, s. 19.

Disputes regarding demand for damages how determined.

20. Such fence-viewers or any two of them shall, within twenty-four hours after notice of their appointment as aforesaid, view the fence and the ground upon which the animal was found doing damage, and determine whether or not the fence was a lawful one according to the statutes or by-laws in that behalf at the time of the trespass; and if it was a lawful fence then they shall appraise the damages committed and, within twenty-four hours after having made the view, shall deliver to the pound-keeper a written statement signed by at least two of them of their appraisement and of their lawful fees and charges. R. S. O. 1877, c. 195, s. 20.

Fence-viewer to view and appraise damage.

21. If the fence-viewers decide that the fence was not a lawful one, they shall certify the same in writing under their hands, together with a statement of their lawful fees to the pound-keeper, who shall, upon payment of all lawful fees and charges, deliver such animal to the owner if claimed before the sale thereof, but if not claimed, or if such fees and charges are not paid, the pound-keeper, after due notice as required by this Act, shall sell the animal in the manner before mentioned at the time and place appointed in the notices. R. S. O. 1877, c. 195, s. 21.

Proceedings where fence-viewers decide against the legality of a fence.

22. In case a pound-keeper or person who impounds or confines, or causes to be impounded or confined, any animal as aforesaid, refuses or neglects to find, provide and supply the animal with good and sufficient food, water and shelter as aforesaid, he shall, for every day during which he so refuses or neglects, forfeit a sum not less than \$1 nor more than \$4. R. S. O. 1877, c. 195, s. 22.

Liability of pound-keeper to feed animal impounded.

23. Any fence-viewer neglecting his duty as arbitrator as aforesaid, shall incur a penalty of \$2, to be recovered for the use of the municipality, by summary proceedings before a Justice of the Peace upon the complaint of the party aggrieved or the treasurer of the municipality. R. S. O. 1877, c. 195, s. 23.

Penalty for neglect of duty by fence-viewers.

Recovery and enforcement of penalties.

Imprisonment in default of payment.

24. Every fine and penalty imposed by this Act may be recovered and enforced, with costs, by summary conviction, before any Justice of the Peace for the county or of the municipality in which the offence was committed; and in default of payment the offender may be committed to the common gaol, house of correction, or lock-up house of the county or municipality, there to be imprisoned for any time in the discretion of the convicting and committing Justice, not exceeding fourteen days, unless the fine and penalty, and costs, including the costs of the committal, are sooner paid. R. S. O. 1877, c. 195, s. 24.

Application of penalties.

25. When not otherwise provided, every pecuniary penalty recovered before any Justice of the Peace under this Act shall be paid and distributed in the following manner: one moiety to the city, town, village or township in which the offence was committed, and the other moiety thereof, with full costs, to the person who informed and prosecuted for the same, or to such other person as to the Justice seems proper. R. S. O. 1877, c. 195, s. 25.

CHAPTER 216.

An Act to prevent the Spread of Contagious Diseases among Horses and other Domestic Animals.

INTERPRETATION, s. 1.

NOTICE TO JUSTICE, ss. 2, 3.

NOTICE TO OWNER, s. 3.

DIRECTIONS AS TO NOTICES, s. 4.

DUTY OF OWNER AFTER NOTICE, s. 5.

DESTRUCTION OF DISEASED ANIMAL, ss. 6-8.

DUTY OF OWNER AS TO DISEASED ANIMAL RESPECTING WHICH NO NOTICE HAS BEEN GIVEN, s. 9.

DUTY OF OWNER OF ANIMAL EXPOSED TO CONTAGION, s. 10.

FEES OF VETERINARIAN, s. 11.

ARREST OF PERSONS IMPEDING EXECUTION OF ACT, s. 12.

WHERE OFFENCE DEEMED TO BE COMMITTED, s. 13.

PENALTY, s. 14.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Interpretation.

1. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears :

“Disease,” “Disease,” means glanders or farcy :

“Diseased,” “Diseased,” means affected with disease :

“Justice,” “Justice,” means Justice of the Peace :

"Court of summary jurisdiction," means two or more Justices sitting at a Court or other public place appointed in that behalf, or a Police, Stipendiary, or other Magistrate or officer however designated, having by law power to act for any purpose with the authority of two Justices, and sitting at a police court or other place appointed in that behalf ;

"Veterinarian," means a veterinary surgeon, duly registered by the Ontario Veterinary Association ;

"Place," means and includes any public highway, street, road, lane, alley, way, or other communication, as well as any public place or square. 47 V. c. 41, s. 1.

2.—(1) Where it appears to any person that any horse or other animal is diseased, such person may notify any Justice having jurisdiction in the municipality ; and the Justice, if in his opinion there is reasonable cause therefor, shall forthwith by writing under his hand, direct a competent veterinarian to inspect the animal alleged to be diseased.

Notice to Justice by person to whom it appears that an animal is diseased.

(2) The veterinarian, on receiving such direction, shall with all practicable speed make an inspection, and report his opinion in writing to the Justice. 47 V. c. 41, s. 2.

Inspection and report.

3. Where it appears to a veterinarian that any horse or other animal is diseased, he shall forthwith notify the owner or other person in charge of the animal, and shall also give notice to a Justice having jurisdiction as aforesaid. 47 V. c. 41, s. 3.

Notice by veterinarian.

4. All notices under this Act shall be in writing or print, or partly in writing and partly in print, and any notice given to a Justice shall contain the name and residence of the owner of the animal or other person in charge thereof where the same are known. 47 V. c. 41, s. 4.

Direction as to notices.

5.—(1) After the owner or other person in charge has received notice from a veterinarian that an animal is diseased it shall be unlawful to turn out, drive or lead, or to cause such animal to be turned out, driven or led through any place where it may be brought into contact with or be in any danger of transmitting disease to other animals, until it has been determined by the Court of summary jurisdiction, as hereafter provided, that the animal to which the notice relates is free from disease.

Owner after notice to keep animal from contact with other animals.

(2) The Justice, upon receiving the report of a veterinarian that an animal is diseased may at once issue his order to a constable, directing him to seize and detain such animal, and cause the same to be kept in some place where it will not be brought in contact with, or be in danger of transmitting the disease to other animals, until the case has been determined by the Court. 47 V. c. 41, s. 5.

Summons.

6. The Justice, on receiving from any veterinarian a notice or report stating that an animal is or appears to be diseased, shall forthwith issue a summons directed to the owner or other person in charge of the animal, requiring him to appear before a Court of summary jurisdiction, at a time and place to be specified in such summons, to shew cause why the said animal should not be destroyed. 47 V. c. 41, s. 6.

Procedure.

Rev. Stat.
c. 74.

7. The proceedings on such notice and summons shall be regulated by *The Act respecting summary convictions before Justices of the Peace and Appeals to General Sessions*, which shall apply to cases under this Act. 47 V. c. 41, s. 7.

Court may
make order
for destruc-
tion, etc., of
animal.

Penalty for
default.

8.—(1) In case it appears to the Court of summary jurisdiction, by the evidence of one or more competent veterinarians, that the animal in respect of which the summons was issued is diseased, the Court shall make an order for the killing and burying or burning of such animal (describing the same according to the tenor of the description given in the notice or report, and in the evidence) within twenty-four hours, and in default thereof may impose a fine not exceeding \$100, and a further sum of \$50 for every twelve hours thereafter until the same is killed and buried or burned; and all penalties imposed under this section shall be applied to the use of the municipality.

(2) The Court may in any case require further evidence as to the disease, and may for that purpose appoint one or more veterinarians to report to them, and they may thereafter, with or without any further hearing, make such order as may seem just. 47 V. c. 41, s. 8.

Duty of owner
as to diseased
animal
respecting
which no
notice given.

9.—(1) Every person, having in his possession or under his charge any animal which is or appears to be diseased, but respecting which no notice has been given as aforesaid, shall, as far as practicable, keep such animal separate from other animals not so diseased, and shall with all practicable speed give notice to a veterinarian of the existence or supposed existence of the disease.

(2) Any veterinarian shall, on receipt of such notice, with all practicable speed, inspect the said animal, and if the disease appears to exist shall forthwith notify the person in possession or charge of the animal, and a Justice, as directed in other cases. 47 V. c. 41, s. 9.

Duty of owner
of animal
which has
been exposed
to contagion.

10. No owner, or other person in charge thereof, shall turn out, lead or drive any horse or other animal, knowing such animal to have been kept in the same stable with any diseased animal, or otherwise exposed to contagion or infection, in, upon, or through any place without a license from a veterinarian first had and obtained, or without other order from the Court in that behalf. 47 V. c. 41, s. 10.

11. The Court may make an order on the treasurer of the municipality, in favour of any veterinarian acting hereunder, for the payment of such witness fees or other remuneration as may be deemed just, and the treasurer shall pay the sum mentioned in such order to such veterinarian out of any funds he may then have in the municipal treasury; Provided that the said witness fees or other remuneration shall not exceed \$4 for each day on which the said veterinarian may be engaged in making any inspection or report, or in attendance at the Court for the purpose of giving evidence under this Act, together with necessary travelling expenses. 47 V. c. 41, s. 11.

Fees to veterinarian.

Proviso.

12. If any person obstructs or impedes a veterinarian, constable or other officer acting in execution of this Act, he, and every person aiding and assisting him therein, shall be guilty of an offence against this Act, and the veterinarian, constable or other officer, or any person whom he calls to his assistance, may seize the offender and detain him until he can conveniently be taken before a Justice to be dealt with according to law. 47 V. c. 41, s. 12.

Arrest of persons impeding execution of Act.

13. For the purposes of proceedings under this Act every offence against this Act shall be deemed to have been committed, and every cause of complaint under this Act, shall be deemed to have arisen either in the place in which the same actually was committed, or arose, or in any place in which the person charged or complained against happens to be. 47 V. c. 41, s. 13.

Where offences shall be deemed to have been committed.

14. Any person violating any of the provisions herein contained respecting which no express penalty is provided herein, shall be guilty of an offence under this Act, and shall on conviction forfeit and pay a sum not exceeding \$100 for each offence. 47 V. c. 41, s. 14.

Penalty.

CHAPTER 217.

An Act respecting the investigation of Accidents by Fire.

| | |
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| WHEN INVESTIGATION TO BE HELD, s. 1. | Compelling attendance of jurors ss. 5, 6. |
| POWER OF CORONER AS TO EVIDENCE, s. 2. | ALLOWANCE TO CORONER, s. 7. |
| Empanelling a jury, s. 3. | COSTS OF INQUIRY, LIABILITY FOR, ss. 8, 9. |
| Compelling attendance of witnesses, ss. 4, 6 | COSTS OF ADJOURNMENT WHEN ALLOWED, s. 10. |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Coroner to inquire into the origin of fires.

1.—(1) Whenever any fire has occurred, whereby any house or other building has been wholly or in part consumed, the coroner within whose jurisdiction the locality is situated, shall institute an inquiry into the cause or origin of the fire, and whether it was kindled by design, or was the result of negligence or accident, and act according to the result of such inquiry.

Inquiry not to take place except under certain circumstances.

(2) It shall not be the duty of the coroner to institute an inquiry into the cause or origin of any fire or fires by which any house or other building has been wholly or partly consumed, nor shall such inquiry be had, until it has first been made to appear to the coroner that there is reason to believe that the fire was the result of culpable or negligent conduct or design, or occurred under such circumstances as in the interests of justice and for the due protection of property require investigation. R. S. O. 1877, c. 196, s. 1.

Evidence to be taken on oath.

2. For the purpose of the investigation, the coroner shall summon and bring before him all persons whom he deems capable of giving information or evidence touching or concerning the fire, and shall examine such persons on oath, and shall reduce their examinations to writing, and return the same to the clerk of the Peace for the district or county within which they have been taken. R. S. O. 1877, c. 196, s. 2

Jury may be empanelled in certain cases.

3. The coroner may in his discretion, or in conformity with the written requisition of any agent of an insurance company, or of any three householders in the vicinity of such fire, empanel a jury chosen from among the householders resident

in the vicinity of the fire, to hear the evidence that may be adduced touching or concerning the same, and to render a verdict under oath thereupon in accordance with the facts. R. S. O. 1877, c. 196, s. 3.

4. If any person summoned to appear before any coroner acting under this Act, neglects or refuses to appear at the time and place specified in the summons, or if such person, appearing in obedience to such summons, refuses to be examined or to answer any questions put to him in the course of his examination, the coroner may enforce the attendance of such person, or compel him to answer, as the case may require, by the same means as the coroner might use in like cases at ordinary inquests before him. R. S. O. 1877, c. 196, s. 4.

Coroner may enforce attendance of witnesses.

5. If any person having been duly summoned as a juror upon such inquiry, does not, after being openly called three times, appear and serve as such juror, the coroner may impose upon the person so making default such fine as he thinks fit, not exceeding \$4; and the coroner shall make out and sign a certificate containing the name, residence, trade or calling of such person, together with the amount of the fine imposed, and the cause of such fine, and shall transmit the certificate to the clerk of the Peace in the district or county in which the defaulter resides, on or before the first day of the General Sessions of the Peace then next ensuing for the district or county, and shall cause a copy of the certificate to be served upon the person so fined, by leaving it at his residence, within a reasonable time after the inquest: and all fines and forfeitures so certified by such coroner shall be estreated, levied and applied in like manner, and subject to like powers, provisions and penalties in all respects, as if they had been part of the fines imposed at such General Sessions. R. S. O. 1877, c.

Punishment of jurors not attending, etc.

Fines and how levied.

6. Nothing herein contained shall affect any power by law vested in any coroner for compelling any person to attend and act as a juror, or to appear and give evidence before him on any inquest or other proceeding, or for punishing any person for contempt of Court in not so attending and acting or appearing and giving evidence, or otherwise, but all such powers shall extend to and be exercised in respect of inquiries under this Act. R. S. O. 1877, c. 196, s. 6.

Certain powers of Coroner not to be affected.

7. Where such inquiry has been held by the coroner, in respect of fire in any city, town or incorporated village, in conformity with this Act, the coroner holding the same shall be entitled therefor to the sum of \$10, and should the said inquiry extend beyond one day, then to \$10 *per diem* for each of two days thereafter, and no more; and in the case of an investigation concerning a fire occurring in any place, not within a city, town, or incorporated village the allowance to

Allowance to Coroners holding inquiries

the coroner shall be \$5 for the first day, and should the inquiry extend beyond one day, then \$4 for each of two days thereafter, and no more. R. S. O. 1877, c. 196, s. 7.

Party requiring it to pay the costs.

8. In all cases, the party requiring such investigation shall alone be responsible for the expenses of and attending such investigation. R. S. O. 1877, c. 196, s. 8.

When only a Municipality shall be liable.

9. No municipality shall be liable for such expense unless the investigation is required by a requisition under the hands and seals of the mayor or other head officer of the municipality, and of at least two other members of the council thereof; and such requisition shall not be given, unless there are strong special and public reasons for granting the same. R. S. O. 1877, c. 196, s. 9.

In what case only costs of an adjournment shall be allowed.

10. No expenses of or for an adjournment of such inquest shall be chargeable against or payable by the party or municipal corporation calling for or requesting the investigation to be held, unless it is clearly shewn by the coroner, and certified under his hand, why and for what purpose an adjournment took place or became necessary in his opinion. R. S. O. 1877, c. 196, s. 10.

CHAPTER 218.

An Act respecting abandoned Oil Wells.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Owner of well injured may apply to Municipal Councils to fill up abandoned wells.

1.—(1) If the working of any oil well is retarded or injured by the water existing in or flowing into any abandoned oil well in the vicinity of the well so injured, it shall and may be lawful for the owner of the well so injured to apply to the municipal council of the municipality in which the abandoned well is situated, for the purpose of being allowed by the council to either fill up the abandoned well, or in some other effectual way to shut off the water flowing therein.

Powers of the Council.

(2) The council shall, upon such application being made in writing by the person injured or aggrieved, briefly setting forth the grievance, order some engineer or other competent person to examine the said abandoned well, and after such examination to report to the said council in writing whether in his opinion the person complaining is injured as alleged, and whether the said abandoned well should be filled up, or the water flowing therein shut off in some other and what manner. R. S. O. 1877, c. 197, s. 1.

2. In case the engineer or other competent person reports to the council that in his opinion the abandoned well so complained of should be filled up, or that the water flowing therein should be shut off in some other way, the clerk of the council shall mail to the owner or owners of the abandoned well, or to some one of such owners, or to his or their agent in charge of the premises where the abandoned well is situate, a copy of the report, with a notice in writing signed by said clerk, stating that unless said abandoned well is filled up or the water flowing therein is effectually shut off in accordance with the opinion contained in the said report, that the person complaining will proceed to do the work as provided in the next section. R. S. O. 1877, c. 197, s. 2.

If engineer reports a well should be filled up, owners thereof to be notified.

3. If the abandoned well is not filled up, or the water flowing therein otherwise shut off in accordance with the opinion contained in said report, within twenty days from the time of the mailing of the said notice, then it shall be lawful for the person complaining to proceed to the filling up of the said abandoned well, or the shutting off of the water flowing therein, in accordance with the terms of the said report; and no action for damages shall lie or be maintainable against the person, his servants or agents, for so doing. R. S. O. 1877, c. 197, s. 3.

Cases wherein complainant may fill up.

CHAPTER 219.

An Act respecting Line Fences.

| | |
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| SHORT TITLE, s. 1. | Registration, s. 10. |
| INTERPRETATION, s. 2. | Fees, s. 11. |
| DUTY OF ADJOINING OWNERS, s. 3. | APPEAL TO COUNTY JUDGE, s. 12. |
| PROCEEDINGS IN CASE OF DISPUTE, ss. 4-6. | ENFORCING AGREEMENTS, s. 13. |
| AWARD BY FENCE VIEWERS : | REMOVAL OF LINE FENCES, s. 14. |
| Contents of award, s. 7. | TREES FALLING ON LINE FENCES, s. 15. |
| Filing, s. 8. | FORMS, s. 16. |
| Enforcing, s. 9. | |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "*The Line Fences Act.*" R. S. O. Short Title. 1877, c. 198, s. 1.

Interpreta-
tion :
" Occupied
lands :

2.—(1) In this Act the expression " occupied lands " shall not include so much of a lot, parcel or farm as is unenclosed, although a part of such lot, parcel or farm is enclosed and in actual use and occupation. 41 V. c. 10, s. 1.

(2) Where, within the meaning of section 4 of this Act, there is any dispute between owners or occupants of lands situate in different municipalities, the following words or expressions in this Act shall have the meaning hereinafter expressed, namely :

" Fence-
viewers ;

1. The phrase " Fence-viewers " shall mean two fence-viewers of the municipality in which is situate the land of the owner or occupant notified under subsection 1 of section 4 of this Act, and one fence-viewer of the municipality in which is situate the land of the party or person giving the notice ; except that in case of a disagreement having occurred within the meaning of sub-section 4 of said section 4, the said phrase " Fence-viewers " shall mean fence-viewers from either or both municipalities.

" In which the
lands are
situate ;"
" In which the
land lies."

2. The expression " in which the lands are situate " and the expression " in which the land lies," shall respectively mean in which are situate the lands of the owner or occupant so notified under said sub-section 1 of section 4. 47 V. c. 42, s. 1.

Duties of
owners of ad-
joining lands
as to fences.

3. Owners of occupied adjoining lands shall make, keep up and repair a just proportion of the fence which marks the boundary between them, or if there is no fence they shall so make, keep up and repair the same proportion which is to mark such boundary : and owners of unoccupied lands which adjoin occupied lands shall, upon their being occupied, be liable to the duty of keeping up and repairing such proportion, and in that respect shall be in the same position as if their land had been occupied at the time of the original fencing, and shall be liable to the compulsory proceedings hereinafter mentioned. R. S. O. 1877, c. 198, s. 2.

Disputes be-
tween owners,
how to be
settled.

4. In case of dispute between owners respecting such proportion, the following proceedings shall be adopted :

Notice to
owner or occu-
pant of adjoining
land.

1. Either owner may notify (Form 1) the other owner or the occupant of the land of the owner so to be notified, that he will, not less than one week from the service of such notice, cause three fence-viewers of the locality to arbitrate in the premises.

And to fence-
viewers.

2. The owners so notifying shall also notify (Form 2) the fence-viewers, not less than one week before their services are required.

What to con-
tain.

3. The notices in both cases shall be in writing, signed by the person notifying, and shall specify the time and place of meeting for the arbitration, and may be served by leaving the same at the place of abode of such owner or occupant, with

some grown-up person residing thereat; or in case of the lands being untenanted, by leaving the notice with any agent of such owner.

4. The owners notified may, within the week, object to any or all of the fence-viewers notified, and in case of disagreement, the Judge hereinafter mentioned shall name the fence-viewers who are to arbitrate. R. S. O. 1877, c. 198, s. 3.

When Judge
to appoint
fence-viewers.

5. An occupant, not the owner of land notified in the manner above mentioned, shall immediately notify the owner: and if he neglects so to do, shall be liable for all damage caused to the owner by such neglect. R. S. O. 1877, c. 198, s. 4.

Duty and
liability of
occupants as
to notifying
owners.

6. The fence-viewers shall examine the premises, and if required by either party they shall hear evidence, and are authorized to examine the parties and their witnesses on oath, and any one of them may administer an oath or affirmation for the purpose as in Courts of law. R. S. O. 1877, c. 198, s. 5.

Duties and
powers of
fence-viewers.

7.—(1) The fence-viewers shall make an award (Form 3) in writing signed by any two of them, respecting the matters so in dispute: which award shall specify the locality, quantity, description and the lowest price of the fence it orders to be made, and the time within which the work shall be done, and shall state by which of the said parties the costs of the proceedings shall be paid, or in what proportion the same shall be paid to the parties.

Award of
fence-viewers.
Contents.

(2) In making the award, the fence-viewers shall regard the nature of the fences in use in the locality, the pecuniary circumstances of the persons between whom they arbitrate, and generally, the suitability of the fence ordered, to the wants of each party.

Character of
fence.

(3) Where, from the formation of the ground, by reason of streams or other causes, it is found impossible to locate the fence upon the line between the parties, it shall be lawful for the fence-viewers to locate the said fence either wholly or partially on the land of either of the said parties, where to them it seems to be most convenient; but such location shall not in any way affect the title to the land.

Location of
fence.

(4) If necessary, the fence-viewers may employ a provincial land surveyor, and have the locality described by metes and bounds. R. S. O. 1877, c. 198, s. 6.

Employment
of surveyor.

8. The award shall be deposited in the office of the clerk of the council of the municipality in which the lands are situate, and shall be an official document, and may be given in evidence in any legal proceeding by certified copy, as are other official documents: and notice of its being made shall be given to all parties interested. R. S. O. 1877, c. 198, s. 7.

Deposit of
award.

Award may be
evidence.
Notification
of award.

Award, how
enforced.

9. The award may be enforced as follows: The person desiring to enforce it shall serve upon the owner or occupant of the adjoining lands a notice in writing, requiring him to obey the award, and if the award is not obeyed within one month after service of the notice, the person so desiring to enforce it may do the work which the award directs, and may immediately recover its value and the costs from the owner by action in any Division Court having jurisdiction in the locality: but the Judge of the Division Court may, on application of either party, extend the time for making the fence to such time as he may think just. R. S. O. 1877, c. 198, s. 8.

Award to be
a charge on
lands, if
registered.

10.—(1) The award shall constitute a lien and charge upon the lands respecting which it is made, when it is registered in the registry office of the registry division in which the lands are.

How regis-
tered.

(2) Such registration may be in duplicate or by copy, proved by affidavit of a witness to the original, or otherwise, as in the case of any deed which is within the meaning of *The Registry Act*. R. S. O. 1877, c. 198, s. 9.

Rev. Stat. c.
114.

Fees to fence-
viewers, sur-
veyors and
witnesses.

11. The fence-viewers shall be entitled to receive \$2 each for every day's work under this Act: Provincial land surveyors and witnesses shall be entitled to the same compensation as if they were subpoenaed in any Division Court. R. S. O. 1877, c. 198, s. 10.

Appeals.

12. Any person dissatisfied with the award made, may appeal therefrom to the Judge of the County Court of the county in which the lands are situate, and the proceedings on the appeal shall be as follows:

Notice of
appeal.

1. The appellant shall serve upon the fence-viewers, and all parties interested, a notice in writing of his intention to appeal, within one week from the time he has been notified of the award; which notice may be served as other notices mentioned in this Act.

To Clerk.

2. The appellant shall also deliver a copy of the notice to the clerk of the Division Court of the division in which the land lies, and the clerk shall immediately notify the Judge of such appeal, whereupon the Judge shall appoint a time for the hearing thereof, and, if he thinks fit, order such sum of money to be paid by the appellant to the said clerk as will be a sufficient indemnity against costs of the appeal.

Notice of
hearing.

3. The Judge shall order the time and place for the hearing of the appeal, and communicate the same to the clerk, who shall notify the fence-viewers and all parties interested, in the manner hereinbefore provided for the service of other notices under this Act.

Powers of the
Judge.

4. The Judge shall hear and determine the appeal, and set aside, alter, or affirm the award, correcting any error therein.

and he may examine parties and witnesses on oath, and, if he so pleases, may inspect the premises; and may order payment of costs by either party, and fix the amount of such costs.

3. His decision shall be final; and the award, as so altered or confirmed, shall be dealt with in all respects as it would have been if it had not been appealed from. Decision of Judge to be final.

6. The practice and proceedings on the appeal, including the fees payable for subpoenas and the conduct money of witnesses, shall be the same, as nearly as may be, as in the case of a suit in the Division Court. R. S. O. 1877, c. 198, s. 11.

13. Any agreement in writing (Form 4) between owners respecting such line fence may be filed or registered and enforced as if it was an award of fence-viewers. R. S. O. 1877, c. 198, s. 12. Registration of agreements.

14.—(1) The owner of the whole or part of a division or line fence which forms part of the fence enclosing the occupied or improved land of another person, shall not take down or remove any part of such fence— Owner of division fence which in part encloses another person's land not to remove same except upon notice, etc.

(a) Without giving at least six months previous notice of his intention to the owner or occupier of such adjacent enclosure;

(b) Nor unless such last mentioned owner or occupier after demand made upon him in writing by the owner of such fence, refuses to pay therefor the sum determined as provided in section 7 of this Act;

(c) Nor if such owner or occupier will pay to the owner of such fence or of any part thereof, such sum as the fence-viewers may award to be paid therefor under section 7 of this Act.

(2) The provisions of this Act relating to the mode of determining disputes between the owner of occupied adjoining lands, the manner of enforcing awards and appeals therefrom, and the schedules of forms attached hereto, and all other provisions of this Act, so far as applicable, shall apply to proceedings under this section. R. S. O. 1877, c. 198, s. 13. Provisions of this Act to apply to cases under this section.

15.—(1) If any tree is thrown down, by accident or otherwise, across a line or division fence, or in any way in and upon the property adjoining that upon which such tree stood, thereby causing damage to the crop upon such property or to such fence, it shall be the duty of the proprietor or occupant of the premises on which such tree theretofore stood, to remove the same forthwith, and also forthwith to repair the fence, and otherwise to make good any damage caused by the falling of such tree. Provision, when a tree is thrown down across a line fence.

When injured party may remove tree.

(2) On his neglect or refusal so to do for forty-eight hours after notice in writing to remove same, the injured party may remove the same, or cause the same to be removed, in the most convenient and inexpensive manner, and may make good the fence so damaged, and may retain such tree to remunerate him for such removal, and may also recover any further amount of damages beyond the value of such tree, from the party liable to pay it under this Act.

Entry to remove tree not to be a trespass, etc.

(3) For the purpose of such removal the owner of such tree may enter into and upon such adjoining premises for the removal of the same without being a trespasser, avoiding any unnecessary spoil or waste in so doing.

Fence-viewers to decide disputes.

(4) All disputes arising between parties relative to this section, and for the collection and recovery of all or any sums of money becoming due thereunder, shall be adjusted by three fence-viewers of the municipality, two of whom shall agree. R. S. O. 1877, c. 198, s. 14.

Forms.

16. The forms in the schedule hereto are to guide the parties, being varied according to circumstances. R. S. O. 1877, c. 198, s. 15.

SCHEDULE OF FORMS.

FORM 1.

(Section 4.)

NOTICE TO OPPOSITE PARTY.

Take notice, that Mr. _____, Mr. _____, and Mr. _____, three fence-viewers of this locality, will attend on the _____ day of _____, 18____, at the hour of _____, to view and arbitrate upon the line fence in dispute between our properties, being Lots (or parts of Lots) *One* and *Two* in the _____ Concession of the Township of _____, in the County of _____.

Dated this _____ day of _____, 18____.

A. B.,

Owner of Lot 1.

To C. D.,

Owner of Lot 2.

R. S. O. 1877, c. 198, *Sched.* Form 1.

FORM 2.

(Section 4.)

NOTICE TO FENCE-VIEWERS.

Take notice, that I require you to attend at _____ on the _____ day of _____, A.D. 18____, at _____ o'clock, A.M., to

view and arbitrate on the line fence between my property and that of Mr.
 , being Lots (*or parts of Lots*) Nos. *One* and *Two* in the
 Concession of the Township of , in the County of
 Dated this day of , 18 .

A. B.,

Owner of Lot 1.

R. S. O. 1877, c. 198, *Sched.* Form 2.

FORM 3.

(*Section 7.*)

AWARD.

We, the fence-viewers of (*name of the locality*), having been nominated to view and arbitrate upon the line fence between of (*name and description of owner who notified*) and (*name and description of owner notified*), which fence is to be made and maintained between (*describe properties*), and having examined the premises and duly acted according to *The Line Fences Act*, do award as follows: That part of the said line which commences at and ends at (*describe the points*) shall be fenced, and the fence maintained by the said , and that part thereof which commences at and ends at (*describe the points*) shall be fenced, and the fence maintained by the said . The fence shall be of the following description (*state the kind of fence, height, material, etc.*), and shall cost at least per rod. The work shall be commenced within days, and completed within days from this date, and the costs shall be paid by (*state by whom paid; if by both, in what proportion*).

Dated this day of 18 .

(*Signatures of fence-viewers.*)

R. S. O. 1877, c. 198, *Sched.* Form 3.

FORM 4.

(*Section 13.*)

AGREEMENT.

We and , owners respectively of Lots (*or parts of Lots*)
One and *Two* in the Concession of the Township of
 in the County of , do agree that the line fence which divides our
 said properties shall be made and maintained by us as follows: (*follow the same form as award.*)

Dated this day of 18 .

(*Signatures of parties.*)

R. S. O. 1877, c. 198, *Sched.* Form 4

CHAPTER 220.

An Act respecting Ditches and Watercourses.

| | |
|---|--|
| SHORT TITLE, s. 1. | COLLECTION AND PAYMENT OF COSTS AND FEES, ss. 14-18. |
| APPOINTMENT OF ENGINEER, s. 2. | SERVICE OF NOTICES, s. 19. |
| APPLICATION OF ACT, s. 3. | ACT TO APPLY TO MUNICIPAL CORPORATIONS, s. 20. |
| DUTY OF ADJOINING OWNERS, s. 4. | POWER AS TO COVERING DRAINS, ss. 21-24. |
| PROCEEDINGS WHERE ADJOINING OWNERS DISAGREE, ss. 5-7. | USE OF DRAIN BY SUBSEQUENT PARTIES, s. 25. |
| DUTIES OF ENGINEER, ss. 8, 9. | CONTINUATION OF DRAIN INTO ADJOINING MUNICIPALITY, s. 26. |
| Award of engineer to be filed, s. 10. | SCALE OF FEES, s. 27. |
| APPEAL FROM AWARD, s. 11. | ACT TO APPLY TO DEEPENING OR WIDENING A DITCH OR DRAIN, s. 28. |
| Compelling attendance of witnesses on appeal, s. 12. | |
| PAYMENT TO CONTRACTOR, s. 13. | |
| INSPECTION OF WORK, ss. 15-17. | |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as "*The Ditches and Watercourses Act*." 46 V. c. 27, s. 1.

Engineer appointment of. **2.**—(1) Every municipal council shall name and appoint by by-law an engineer to carry out the provisions of this Act, and such engineer shall be and continue an officer of such corporation until his appointment is repealed by by-law and another engineer appointed in his stead, who shall have authority as well to take as to continue any proceeding already commenced under this Act.

(2) The word "engineer" in this Act shall mean civil engineer, land surveyor, or such person as any municipality may deem competent to perform the duties required under this Act. 46 V. c. 27, ss. 4, 21.

Certain Acts not affected. **3.** This Act shall not affect the Acts relating to municipal or government drainage. 46 V. c. 27, s. 2.

Owners of adjoining lands to construct ditches in certain proportions. **4.**—(1) In case of owners of lands, whether immediately adjoining or not, which would be benefited by making a ditch or drain or by deepening or widening a ditch or drain already made in a natural watercourse, or by making, deepening or widening a ditch or drain for the purpose of taking off surplus water or in order to enable the owners or occupiers thereof the

better to cultivate or use the same, such several owners shall open and make, deepen or widen a just and fair proportion of such ditch or drain according to their several interests in the construction of the same; and such ditches or drains shall be kept and maintained so opened, deepened or widened by the said owners respectively, and their successors in such ownership, in such proportions as they have been so opened, deepened or widened, unless in consequence of altered circumstances the engineer hereinafter named otherwise directs which he is hereby empowered to do upon application of any party interested, in the same form and manner as is hereinafter prescribed in respect of the original opening, deepening or widening; and in case the engineer finds no good reason for such application all costs caused thereby shall be borne by the applicant and shall be collected as in this Act provided. 46 V. c. 27, s. 3.

(2) Every such ditch or drain shall be continued to a proper outlet, so that no lands, unless with the consent of the owner thereof, will be overflowed or flooded through or by the construction of any such ditch or drain and it shall be lawful to construct such ditch or drain, through one or any number of lots until the proper outlet is reached. 47 V. c. 43, s. 1.

Proper outlet must be reached.

(3) Such consent shall be in writing, and signed by the party consenting and shall be filed with the clerk of the municipality, with the award and may be recited or referred to therein.

Consent as to flooding land to be in writing.

(4) If after a ditch or drain has been constructed under the provisions of this Act, and in case any owner whose duty it is to maintain, and keep in repair any portion of such ditch or drain neglects to keep such portion in a proper state of repair any one of the owners who is liable for maintaining and keeping in repair any portion of such ditch or drain may in writing notify the owner who neglects to keep his portion of such ditch or drain in a proper state of repair, to have the same put in such repair, and to have the same completed within thirty days from the receipt of such notice.

Notice to owner to repair.

(5) The owner who serves the notice may, if the work has not been performed at the expiry of the thirty days, make application to the council of the municipality to have the repairs carried out and completed.

Application to municipality on owner's default.

(6) The council shall when such application is made, order an examination of such portion of the ditch or drain as is complained of, to be made by the engineer of the municipality or by some other person to be appointed by the council, and who may be called the "Inspector of drains and ditches." The inspection shall be made not later than twelve days from the time of the ordering the same, and the engineer or inspector as the case may be, shall within twelve days after making the inspection, file with the clerk of the municipality a certificate, stating whether the complaint is well founded or not, and wherein the ditch or drain requires repairing.

Inspection by engineer.

Report of inspector that complaint well founded.

(7) If the engineer or inspector (as the case may be) certifies that the complaint is well founded, then in such case the council shall order him to proceed and let the work as provided in section 15, for re-letting work, unless the owner has himself in the meantime completed such repairs in accordance with the report or certificate of the engineer or inspector. The provisions of sections 16 and 18, shall apply as to inspection and payment of engineer's or inspector's fees and costs of work, and the council may by by-law fix the remuneration of the inspector during the time he may be engaged in the performance of any duties under this Act. A member of the council shall not be appointed inspector.

Report of inspector that claim not well founded.

(8) If the engineer or inspector decides that the complaint is not well founded, then in such case the party making the complaint shall pay the fees of the engineer or inspector, as the case may be, and if not paid by him they shall be paid and charged as provided in section 18.

Appeal.

(9) Any owner or party interested under proceedings taken under or by virtue of the preceding six sub-sections, shall have the right of appeal as provided by this Act, where the amount involved exceeds the sum of \$20. 50 V. c. 37, s. 1.

Proceedings to effect an agreement in case of dispute.

5. In case of dispute between owners respecting such portions, any owner shall, before filing with the clerk of the municipality the requisition provided for in section 6 of this Act (Form C or to the like effect), serve upon the other owners or occupants of the lands to be affected a notice in writing signed by him (Form B or to the like effect), naming a day, hour and place convenient to the ditch or drain at which the parties are to meet, and, if possible, agree upon the respective portions of the ditch or drain to be made, deepened or widened by each of them, the notice to be served not less than twelve clear days before time of meeting; and in case at the meeting an agreement shall be come to between the parties, the agreement shall be reduced to writing (Form A or to the like effect), and shall be signed by all the parties and shall, within four clear days from the signing thereof, be filed with the clerk of the municipality in which the land requiring the ditch or drain is situate, and the agreement may be enforced in like manner as an award of the engineer as hereinafter provided. 46 V. c. 27, s. 5; 50 V. c. 37, s. 2.

Proceedings in case no agreement is come to.

6. In case the parties at the meeting shall not agree, any owner may file with the clerk of the municipality in which the lands requiring such ditch or drain are situated a requisition (Form C or to the like effect) shortly describing the ditch or drain to be made, deepened or widened, and naming the lands which will be affected thereby and the owners respectively, and requesting that the engineer appointed by the municipality for the purpose be asked to appoint a day in which he will attend at the time and place named in the requisition, which shall not

be less than six nor more than twelve clear days from the time of filing the same, and shall also at least four clear days before the time appointed therein serve upon all the persons named in such requisition a notice (Form D or to the like effect) requiring their attendance at the said time and place: Provided, nevertheless, that when it shall be necessary in order to obtain an outlet, that the drain or ditch shall pass through or partly through the lands of more than five owners (the owner first mentioned in this section being one) the requisition shall not be filed, unless:

- (a) Such owner shall first obtain the assent, in writing, thereto of (including himself) a majority of the owners affected or interested; or,
- (b) Unless a resolution of the council of the municipality, in which the greater portion of the work is to be done, approving of the scheme or proposed work, shall be first passed after those interested have been heard or have had an opportunity to be heard by the council upon notice to that end;
- (c) When the engineer shall under section 8 of this Act require other parties whom he deems interested to be notified, he shall not assess or bring in without his or their assent more than one additional interested person when the majority of those so notified and interested are opposed to being so brought in or assessed;
- (d) Unless the assent (by resolution) of the said municipal council approving of the proposed extension to the lands of other interested parties shall be first passed after a hearing or notice as hereinbefore provided. 46 V. c. 27, s. 6; 50 V. c. 37, s. 3.

7. An occupant not the owner of land, notified in the manner provided by this Act, shall immediately notify the owner thereof, and shall, if he neglects to do so, be liable for all damages suffered by such owner by reason of such neglect. 46 V. c. 27, s. 7. Occupant to notify owner.

8.—(1) The clerk shall, after receiving the requisition, forthwith notify the engineer by registered letter, enclosing a copy of the requisition to him, and the engineer shall attend at the time and place named therein, shall examine the premises and, if he deem proper, or if requested by any of the parties, shall hear evidence, and is hereby authorized to examine the parties and their witnesses on oath, and may administer an oath or affirmation as in Courts of Justice, and if he shall find the making, deepening, or widening of the ditch or drain necessary, he shall, within thirty days after the day of meeting named in the requisition, make his award in writing (Form E or to the like effect) specifying clearly the locality, description and course Duties of engineer.

of the ditch or drain, point of commencement and termination of same, the portion of the ditch or drain to be done by the respective parties, and the time within which the work is to be done, the amount of his fees and other charges and by whom to be paid; and he shall have power to adjourn the examination and may require the notification and attendance of other parties whom he deems interested in the ditch or drain, such other parties to have at least four clear days notice of time and place of attendance. 46 V. c. 27, s. 8; 50 V. c. 37, s. 4.

(2) In no case shall the engineer include or assess the lands lying more than fifty rods above the point of commencement of the ditch or drain upon the lands mentioned in the notice (Form B) provided for by section 5 of this Act, nor the lands on either side of the ditch or drain which lie more than fifty rods from the drain, and only so much within such fifty rods as having due regard to the nature of the locality and of the soil and the lay of the land and its distance back from the ditch or drain as will be benefited by the ditch or drain, and then only according to and in proportion to the benefit which it will receive by such construction. 50 V. c. 37, s. 5.

Engineer may order opening of ditch across land of a person not interested.

9.—(1) If it appears to the engineer that the owner or occupier of any tract of land is not sufficiently interested in the opening up of the ditch or drain to make him liable to perform any part thereof, and at the same time that it is necessary for the other parties that the ditch or drain should be continued across the tract, he may award the same to be done at the expense of the other parties, and after the award the other parties may open the ditch or drain across the tract at their own expense without being trespassers, but causing no unnecessary damage and replacing any fences opened or removed by them 46 V. c. 27, s. 9.

Rock cutting may be let to contractor.

(2) If it appears to the engineer that rock-cutting is required to be done, the engineer may get the rock cut or blasted by giving the contract out to public competition by tender or otherwise, instead of requiring each person benefited to do his share of the work. The engineer shall, by his award, determine the sum which shall be paid by each of the persons benefited, which sum, unless forthwith paid, shall be added to the collector's roll, together with seven per cent. added thereto, and the same shall thereupon become a charge against the land of the parties so liable, and shall be collected in the same manner as other municipal taxes. 50 V. c. 37, s. 6.

Award to be filed with clerk.

10. The engineer shall, within thirty days from the day appointed by him as named in section 8 of this Act, make and file his award, and any plan or profile of said work with the clerk of the municipality named in section 6 of this Act, and the award, plan and profile shall be official documents, and may be given in evidence in any legal proceedings by certified copies as are other official documents, and the clerk of

the municipality shall forthwith, upon the filing of the award, notify each of the persons affected thereby by registered letter or personal service of the filing of the same; and the clerk shall keep a book in which he shall record the names of the parties to whom he has sent the notice, the address to which the same was sent, and the date upon which the same was deposited in the post office or personally served. 46 V. c. 27, s. 10; 48 V. c. 47, s. 1; 50 V. c. 37, s. 8.

11. Any person dissatisfied with the award and affected thereby may, within fifteen clear days from the filing thereof, appeal therefrom to the Judge of the County Court of the county in which the lands, in respect to which the proceedings are initiated, are situate, and the proceedings on the appeal shall be as follows: 46 V. c. 27, s. 11 (1); 48 V. c. 47, s. 2. Appeal.

1. The appellant shall serve upon the clerk of the municipality with whom the award is filed a notice in writing of his intention to appeal therefrom, shortly setting forth the grounds of appeal. 46 V. c. 27, s. 11 (1). Notice to clerk of municipality.

2. The clerk of said municipality shall, after the expiration of the time for appeal, forward by registered letter or deliver a copy of the notice or notices of appeal, if there be more than one appeal, and a certified copy of the award, to the clerk of the Division Court of the division in which the land of the owner filing the requisition as provided in section 6 of this Act is situate and the Division Court clerk shall immediately notify the Judge of the appeal, whereupon the Judge shall appoint a time for the hearing thereof, and, if he think fit, order such sum of money to be paid by the appellant or appellants to the said clerk as will be a sufficient indemnity against costs of the appeal. 46 V. c. 27, s. 11 (2); 49 V. c. 44, s. 2. Notice to clerk of Division Court and Judge.

3. The Judge shall order the time and place for hearing of appeals, and communicate the same to the clerk of the Division Court, who shall notify the engineer and all parties interested, in the manner herein provided for the service of other notices under this Act. Notice of hearing.

(a) The place for hearing such appeals shall be in the division of the Division Court in which the land of the appellant is situate. 46 V. c. 27, s. 11 (3); 50 V. c. 37, s. 14.

4. The Judge shall hear and determine the appeal or appeals, and set aside, alter or affirm the award, correcting any error therein, and he may examine parties and witnesses on oath and, if he so pleases, inspect the premises, requiring the attendance with him of the engineer, and may order payment of costs by the parties, or any of them, and fix the amount of such costs. 46 V. c. 27, s. 11 (4). Powers of Judge.

5. It shall be the duty of the Judge to hear and determine the appeal within one month after receiving notice thereof as provided by this section, but his neglect or omission so to Time within which appeal to be heard.

do shall not render invalid the hearing or determining of the appeal after the lapse of that time; provided always that the Judge may, if in his opinion it will be more convenient for the parties concerned, fix as the time and place for hearing the appeal a sitting of the Division Court of the division in which the land of the person giving the notice of appeal is situate, notwithstanding the time so fixed may be more than one month after the receiving of the notice, and the appeal may be heard either before or after the regular sitting of the Court. 48 V. c. 47, s. 3; 49 V. c. 44, s. 1.

Award as altered and confirmed to be enforced as original award.

6. The award as so altered or confirmed shall be certified by the clerk of the Division Court to the clerk of the municipality, together with the costs, if any, allowed and by whom to be paid, and the award shall be enforced as the award of the engineer, and the time for the completion of the work thereunder shall be computed from the date of such judgment in appeal. 46 V. c. 27, s. 11 (5).

Compelling attendance of witnesses.

12. The clerk of the Division Court receiving the notice of appeal may issue under the seal of the Court, subpoenas to witnesses, and the bailiff may serve the same; which subpoenas shall be in the form, as nearly as may be, of those used in Division Courts; and non-attendance or disobedience to a subpoena may be punished in the same manner as in a case in a Division Court. 49 V. c. 44, s. 3.

Payment to contractor.

13. It shall be the duty of the municipality, through the treasurer thereof, to pay the contractor for the work as soon as done to the satisfaction and upon the certificate of the engineer, pending the subsequent collection thereof as aforesaid 50 V. c. 37, s. 7.

Payment of fees.

14. The municipality shall, at the expiration of the time for appeal or after appeal, as the case may be, pay to the engineer his fees, and also pay to the person declared to be entitled to the same, any fees or costs awarded or adjudged to him and shall, unless the same be forthwith repaid by the person awarded or adjudged to pay the same, place the amount upon the collector's roll as a charge against the lands of the person awarded or adjudged to pay the same, and the same shall thereupon become a charge upon such lands, and shall be collected as ordinary municipal taxes. 46 V. c. 27, s. 12.

Engineer to inspect work on request at expiration of time limited, and may re-let same.

15. The engineer shall, at the expiration of the time limited by the award for the completion of the work, inspect the ditch or drain, if required in writing so to do by any of the parties interested, and if he finds the work or any portion thereof not completed in accordance with the award, he may let the same, in sections, as apportioned in the award, to the lowest bidder therefor, taking such security for the performance thereof within the time to be limited, as he may deem necessary, but no

such letting shall take place till after four clear days' notice in writing of the intended letting has been posted in at least three conspicuous places in the neighbourhood of the work, and notice thereof is sent by registered letter to such parties interested in said award as are non-resident in said municipality; but if the engineer is satisfied of the *bona fides* of the person doing the work, and there is good reason for the non-completion thereof, he may, in his discretion, extend such time. 46 V. c. 27, s. 13.

16. The engineer shall upon receipt of notice in writing of the final completion of the work mentioned in the preceding section inspect the same within one week thereafter, and, if approved of and accepted by him, certify in writing the fact to the clerk of the municipality, giving a separate certificate for each portion or section of work let and completed (Form F or to the like effect), and stating the name in each certificate of the person who did the work, as well as the amount he is entitled to receive therefor, and also such extra fees as the engineer is entitled to, by reason of such letting and subsequent inspection, and by whom the same are to be paid. 46 V. c. 27, s. 14.

Inspection
work by en-
gineer, com-
pletion.

17. Any engineer who wilfully neglects to make the inspection required by either of the preceding two sections for thirty days after he has received the written notice mentioned therein, shall be liable to a fine of not less than \$5 nor more than \$10, to be recovered with costs on complaint made before one of Her Majesty's Justices of the Peace having jurisdiction in the matter, and in default of payment the same shall be recoverable by distress, and every such fine shall be paid over to the treasurer of the municipality in which the offence arose. 49 V. c. 44, s. 4.

Penalty for
violation of
ss. 15 and 16.

18. The council shall, at their meeting next after the filing of the certificate or certificates mentioned in section 16, pay to the engineer his additional fees therein mentioned, and forthwith thereafter may pay to any person the amount which, according to such certificate, he is entitled to receive for any work mentioned in section 16, and thereafter the council shall, unless the amount or amounts named in the certificate or certificates, including such additional fees, is forthwith paid by the respective parties declared in the certificate or certificates to be liable to pay the same, cause the amount or amounts and fees to be added to the collector's roll, together with seven per cent. added thereto, and the same shall thereupon become a charge against the lands of the party or parties so liable, and shall be collected in the same manner as other municipal taxes, and when collected shall be paid over to any person entitled thereto. 47 V. c. 43, s. 2 : 50 V. c. 37, s. 9.

Payment of
amount due
to engineer
and other per-
sons.

Service of
notices.

19.—(1) Notices under the provisions of this Act shall be served personally, or by leaving the same at the place of abode of the owner or occupant, with a grown-up person residing thereat, and in case of non-residents, then upon the agent of the owner, or by registered letter addressed to the owner at the post office nearest to his last known place of abode. 46 V. c. 27, s. 16.

Interpretation
"non-resi-
dent."

(2) A "non-resident" within the meaning of this section shall include a person who does not reside within the municipality in which the lands which he owns are situate and in respect of which proceedings are taken or to be taken under the provisions of this Act; and where the place of abode of a non-resident is not known, notices under the provisions of this Act requiring to be served on such non-resident may be served in such manner as the Judge of the County Court may direct. 48 V. c. 47, s. 4.

Service of
notice.

Municipal cor-
porations to
have same
rights as
persons.

20. Every municipal corporation shall have, and exercise all the rights and privileges of this Act, and may be made parties to the agreement or award; and shall be considered as owner of the highway for the purposes of this Act, and shall in all respects be in the same position as an individual owner. 46 V. c. 27, s. 17.

Power as to
covering
drains.

21.—(1) In any case where an open ditch or drain has been or may be constructed under the provisions of this Act, any person through whose lands such ditch or drain has been opened, may, with the consent of the engineer of the municipality, convert so much of such ditch or drain as runs through the lands of such person into a covered drain.

(2) The engineer, before giving his consent, shall examine the portion of the ditch or drain which is proposed to be covered, and shall determine the size and capacity of the proposed covered portion of the drain or ditch, and the nature and quality of material to be used therein, but no such consent shall be given by the engineer, if the covering of such portion of the ditch or drain would impede or delay the free flow of the water which the ditch or drain is intended to carry off. 50 V. c. 37, s. 10.

If consent
given award to
be filed.

22. The engineer shall file with the clerk of the municipality (if such consent be given) an award setting forth the particulars in accordance with the provisions of this Act, and the award shall be subject to appeal. 50 V. c. 37, s. 11

Notice to en-
gineer.

23. The person making the application for the covering of the ditch or drain, may notify the engineer to inspect the ditch or drain in the first place, and shall also notify the owners interested whose lands are situate above his own of the time

when the engineer will examine the drain, and shall also notify the engineer when the work is completed, and it shall not be necessary for such person to take the proceedings provided in sections 5 and 6 of this Act, and such person shall be liable for the fees and expenses of the engineer, and if not paid by such person to the engineer, the fees and expenses shall be collected, as provided for in this Act. 50 V. c. 37, s. 12.

Payment of
fees and
expenses.

24. Such person (and the subsequent owners) shall maintain and keep the covered portion of the drain of such sufficient size and capacity as not to impede or delay the free flow of the water above the covered portion or brought thereto by said drain; and any damages occasioned by the neglect or failure to so maintain and keep such portion of the size and capacity aforesaid shall be payable by the owner of the land upon which the insufficient or imperfect portion of the drain is situate. 50 V. c. 37, s. 13.

Flow of water
not to be im-
peded.

25. In case any person during or after the construction of the ditch or drain herein provided for, desires to avail himself of such ditch or drain for the purpose of draining other lands than those contemplated by the original proceedings, he may avail himself of the provisions of this Act, as if he were or had been a party to such original proceedings; but no person shall make use of the ditch or drain constructed under the provisions of this Act, unless under agreement or award pursuant to its provisions as to the use of lands of others, as to the enlargement, if such be necessary, of the original ditch or drain so as to contain additional water therein, and as to the time for the completion of such enlargement. 46 V. c. 27, s. 18; 48 V. c. 47, s. 5.

Persons de-
siring to use
ditch or drain
after construc-
tion.

26. Notwithstanding any of the lands through which the drain is required, are situate in a municipality adjoining the one in which the original proceedings were commenced, the engineer shall have full power and authority to continue the ditch or drain in and through so much of the lands in the adjoining municipality as may be found necessary, and all proceedings authorized under the provisions of this Act are to be had, taken, and carried on in the municipality where commenced; but in such case the clerk of the municipality shall forward to the clerk of the adjoining municipality a certified copy of the award, as made, confirmed, or altered, and shall also forward to him a certified copy of every certificate of the engineer which affects or relates to the lands in the adjoining municipality, and to the owners thereof; and the municipal council shall, unless the amounts are forthwith paid by the parties declared by the certificate liable to pay the same, have and take all proceedings for the collection of the sums so certified to be paid, as though all the proceedings had been taken and carried on in the adjoining municipality. 46 V. c. 27, s. 19.

Drain may be
continued into
adjoining
municipali-
ties.

Scale of fees.

27. The fees to which the engineer shall be entitled under this Act shall be such as shall be fixed by by-law or resolution of the council, and in case no such fees are fixed by the council the same shall be his legally authorized fees for similar work, or such less amount as may be agreed upon, and the fees to witnesses and for the service of papers authorized by the Division Court clerk shall be the same as those allowed to witnesses, and for similar services in the Division Court. 46 V. c. 27, s. 20.

Application of Act.

28. This Act shall apply to deepening or widening a ditch or drain. 50 V. c. 37, s. 15.

FORM A.

(Section 5.)

Township of

Whereas it is found necessary that a ditch or drain should be made (deepened, or widened) on lot No. _____ in the _____ concession of the Township of _____ and it is necessary to continue the same through lot number _____ in the _____ concession of the Township of _____ (if more than one lot describe them).

Therefore we _____ owners of the land hereinafter described, do agree each with the other as follows :

That I, _____ owner of _____ (describe lot) agree that I will make (deepen or widen) and maintain that part of such ditch or drain commencing at stake number one planted (describing the locality of said stake) and thence to stake number two, and that said portion of said ditch or drain shall be (describing the depth and width) and I _____ owner of (giving the name of each person, the land owned by him, the portion of work assigned, its depth, width, et c.), and each of us agrees to have our said respective portions completed on or before the _____ day of _____ A.D. 18 ____.

Witness. _____ Dated, _____ } (Signed by the parties.)

46 V. c. 27, Form A.

FORM B.

(Sections 5, 8.)

Township of

To

Sir,—As the owner of lot number _____ in the _____ concession of the Township of _____ I require to construct a ditch or drain through said lot, and find it necessary to continue the same through your land, being lot number _____ in the _____ concession of the Township of _____ under The Ditches and Watercourses Act and request that you will attend at _____ on _____ the _____ day of _____ 18 ____ at the hour of _____ o'clock, in the _____ noon, with the object of agreeing, if possible, upon the respective portion of such ditch or drain to be made, deepened or widened by the several parties interested.

Dated this _____ day of _____ 18 ____

Yours, etc.

46 V. c. 27, Form B.

FORM C.

(Sections 5, 6.)

To

Clerk of the Municipality of the _____ of _____
 Sir,—As the owner of lot number _____ in the _____ conces-
 sion of the Township of _____ I require to construct a ditch or drain
 through the said lot and it will be necessary to continue the ditch or drain
 through the following lands on lot number _____ in the _____
 concession of the Township of _____ owned by _____ Lot
 number _____ in the _____ concession of the Township of _____
 owned by _____ (describe each lot through which the ditch
 or drain must be continued, and the name of the owner of each parcel), and
 having failed to agree upon the respective portions to be made by each, I
 (or we) require the engineer appointed by the Municipality for the purpose
 to attend at the locality of said proposed ditch or drain on the
 day of _____ 18 _____ at the hour of _____ o'clock in the
 noon, examine the premises, hear the parties and their witnesses, and make
 his award under the provisions of *The Ditches and Watercourses Act*.

Dated.

(Signed by Party or Parties.)

46 V. c. 27, *Form C*.

FORM D.

(Section 6.)

To

Take notice that the engineer appointed by the Municipality for the
 purpose will attend at lot number _____ in the _____ concession
 of _____ on _____ the _____ day of _____
 A. D. 18 _____ at the hour of _____ o'clock in the _____ noon,
 to examine the site of the proposed ditch or drain and make his award
 therein; and you as the owner of (describe the lot) which may be affected
 thereby, are requested to attend (with any witnesses you may desire to have
 heard) at said time and place.

Dated

Yours, &c.

46 V. c. 27, *Form D*.

FORM E.

(Section 8.)

I _____ the engineer appointed by the Municipality of the _____
 Township of _____ in the County of _____ under the
 provisions of *The Ditches and Watercourses Act*, having by the requi-
 sition of _____ owner (or owners) of lot number _____ in
 the _____ concession of the Township of _____ filed with the
 Clerk of the said Municipality, representing that he (or they) required a
 ditch or drain on said lot, and that it would be necessary to continue the
 ditch or drain through the following lands on lot number _____ in
 the _____ concession of the Township of _____ owned
 by _____ etc., did attend at the time and place named in said
 notice, and having examined the locality of said ditch or drain, and heard
 the parties and their witnesses (if any), find and award as follows:

That lot number in the concession of the Township of would be benefited by, and requires a ditch or drain (or the deepening or widening of a ditch or drain, if already made), to enable the proper cultivation or use of the said land, and I find that said ditch or drain will require to be extended across the land of being lot number in the concession of and across the land of lot number in the concession of the Township of (and so on, giving the name of each owner and lot to termination of said ditch or drain), and I award the making of said ditch or drain (or the deepening or widening as the case may be), as follows :—..... shall commence at stake number one planted (describe with reasonable certainty where planted), and shall open up and maintain a ditch or drain (describe width and depth), to stake number two planted (describe where planted, distance and direction from first stake), and said portion shall be made and completed within (name time within which to be completed). That shall commence at stake number two, above described, and shall open up and maintain a ditch or drain (describe width and depth) to stake number three planted (describe where planted, distance and direction from stake number two) and said portion shall be made and completed within (name time, etc.) That shall, etc., (and so on to the termination of said ditch or drain).

That my costs attendant upon the examination, and making of this award are and shall be borne and paid as follows, (give the name of the persons to be charged therewith, and the portion to be borne by each).

Dated this

day of

A. D. 18

Witness.

(Signature of Engineer.)

46 V. c. 27. Form E.

FORM F.

(Section 16.)

To

Clerk of the Township of

I hereby certify that certain work which under my award dated the A. D. 18, one adjudged to perform, and which the said to do was by me subsequently let to the said sum of and the said paid the said amount.

has completed day of was ordered and having failed for the is entitled to be

I further certify that my additional fees are and that said amount and said fees are and that said amount and said fees are chargeable on (describe property to be charged therewith) and shall unless forthwith paid be added to the Collectors' Roll (with interest) as provided in section 18 of *The Ditches and Watercourses Act*.

Dated this

day of

A. D. 18

Engineer for

46 V. c. 27. Form F.

12. *PROTECTION OF GAME, ETC.*

CHAP. 221.—FOR THE PROTECTION OF GAME AND FUR-BEARING ANIMALS,
p. 2373

CHAP. 222.—FOR THE PROTECTION OF INSECTIVOROUS BIRDS, ETC., p. 2378.

CHAP. 223.—TO ENCOURAGE THE DESTROYING OF WOLVES, ETC., p. 2379.

CHAPTER 221.

An Act for the Protection of Game and Fur-bearing
Animals.

GAME PROTECTED:

Close period, s. 1.

Possession during close period, s. 2.

Protection of eggs, s. 3.

PROHIBITIONS:

Trapping, s. 4.

Batteries, swivel guns or sunken
punts, s. 5.

Night hunting, s. 5.

Use of poison, s. 11.

FUR-BEARING ANIMALS PROTECTED,
s. 6.

PENALTIES:

How recoverable, s. 7.

Application of, s. 8.

Confiscation of Game, s. 9.

GAME PRESERVES PROTECTED, s. 10.

DEER NOT TO BE KILLED FOR EXPORT,
s. 12.

HOUNDS NOT TO RUN AT LARGE, s. 13.

INSPECTORS, APPOINTMENT AND
DUTIES, ss. 14-15.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. None of the animals or birds hereinafter mentioned, shall Close period.
be hunted, taken or killed, within the periods hereinafter
limited:

1. Deer, elk, moose, reindeer or caribou, between the fifteenth Deer, etc.
day of December and the fifteenth day of October;

2. Grouse, pheasants, prairie fowl or partridge, between the Grouse, etc.
first day of January and the first day of September;

3. Quail or wild turkeys, between the fifteenth day of Decem- Quail and
ber and the fifteenth day of October; but no wild turkey shall be wild turkeys.
hunted, taken or killed before the fifteenth day of October, 1889:

4. Woodcock, between the first day of January and the Woodcock.
fifteenth day of August;

- Snipe, rail and plover. 5. Snipe, rail and golden plover, between the first day of January and the first day of September ;
- Swans and geese. 6. Swans or geese, between the first day of May and the first day of September ;
- Ducks and other water fowl. 7. Ducks of all kinds, and all other water fowl, between the first day of January and the first day of September ;
- Hares. 8. Hares, between the fifteenth day of March and the first day of September. 49 V. c. 45, s. 2.
- Possession, how far lawful. 2. No person shall have in his possession, any of the said animals or birds, no matter where procured, or any part or portion of any such animals or birds, during the periods in which they are so protected ; provided that they may be exposed for sale for fifteen days, and no longer, after such periods, and may be had in possession for the private use of the owner and his family at any time, but in all cases the proof of the time of killing, taking or purchasing, shall be on the person so in possession. 49 V. c. 45, s. 3.
- Exposure for sale. 3. No eggs of any of the birds above mentioned shall be taken, destroyed, or had in possession by any person at any time. 49 V. c. 45, s. 4.
- Protection of eggs. 4. None of the said animals or birds, except the animals mentioned in section 6 of this Act, shall be trapped, or taken by means of traps, nets, snares, gins, baited lines, or other similar contrivances ; nor shall such traps, nets, snares, gins, baited lines or contrivances, be set for them, or any of them, at any time ; and such traps, nets, snares, gins, baited lines, or contrivances, may be destroyed by any person without such person thereby incurring any liability therefor. 49 V. c. 45, s. 5.
- Trapping forbidden. 5. None of the contrivances for taking or killing the wild fowl, known as swans, geese or ducks, which are described or known as batteries, swivel guns or sunken punts, shall be used at any time, and no wild fowl, known as ducks, or other water fowl, except geese or swans, shall be hunted, taken or killed, between the expiration of the hour next after sunset and the commencement of the hour next before sunrise. 49 V. c. 45, s. 6.
- Batteries, etc., for taking wild fowl, forbidden, and night hunting forbidden. 6. No beaver, mink, muskrat, sable, martin, otter, or fisher shall be hunted, taken or killed, or had in possession of any person between the first day of May, and the first day of November ; nor shall any traps, snares, gins, or other contrivances, be set for them during such period ; nor shall any muskrat house be cut, speared, broken or destroyed, at any time : and any such traps, snares, gins, or other contrivances so set, may be destroyed by any person without such person thereby incurring any liability therefor : provided that this section shall not apply to any person destroying any of the said animals in defence or preservation of his property. 49 V. c. 45, s. 7.
- Fur-bearing animals protected. 7. No person shall take, destroy, or have in his possession, any of the said animals, or any part or portion of any such animals, during the periods in which they are so protected ; provided that they may be exposed for sale for fifteen days, and no longer, after such periods, and may be had in possession for the private use of the owner and his family at any time, but in all cases the proof of the time of killing, taking or purchasing, shall be on the person so in possession. 49 V. c. 45, s. 8.
- Provision. 8. No person shall take, destroy, or have in his possession, any of the said animals, or any part or portion of any such animals, during the periods in which they are so protected ; provided that they may be exposed for sale for fifteen days, and no longer, after such periods, and may be had in possession for the private use of the owner and his family at any time, but in all cases the proof of the time of killing, taking or purchasing, shall be on the person so in possession. 49 V. c. 45, s. 9.

7. Offences against this Act shall be punished upon summary conviction on information or complaint before a Justice of the Peace, as follows : Penalties.

- (a) In case of deer, elk, moose, reindeer or caribou, by a fine not exceeding \$50, nor less than \$10, with costs, for each offence ;
- (b) In case of birds or eggs, by a fine not exceeding \$25 nor less than \$5, with costs, for each bird or egg ;
- (c) In case of fur-bearing animals, mentioned in section 6 of this Act, by a fine not exceeding \$25, nor less than \$5, with costs, for each offence ;
- (d) In the case of other breaches of this Act, by a fine not exceeding \$25, nor less than \$5, with costs. 49 V. c. 45, s. 8.

8. The whole of such fine shall be paid to the prosecutor unless the convicting Justice has reason to believe that the prosecution is in collusion with, and for the purpose of benefiting the accused, in which case the said Justice may order the disposal of the fine as in ordinary cases. 49 V. c. 45, s. 9. Disposition of penalties.

9. In all cases confiscation of game shall follow conviction, and the game so confiscated, shall be given to some charitable institution or purpose, at the discretion of the convicting Justice. 49 V. c. 45, s. 10. Confiscation of game.

10. In order to encourage persons who have heretofore imported or hereafter import different kinds of game, with the desire to breed and preserve the same on their own lands, it is enacted that it shall not be lawful to hunt, shoot, kill or destroy any such game without the consent of the owner of the property wherever the same may be bred. 49 V. c. 45, s. 11. Protection of game preserves.

11. It shall not be lawful for any person to kill or take, any animal protected by this Act, by the use of poison or poisonous substances, nor to expose poison, poisoned bait or other poisoned substances, in any place or locality, where dogs or cattle may have access to the same. 49 V. c. 45, s. 12. Use of poison prohibited.

12. —(1) No person shall at any time hunt, take or kill, any deer, elk, moose, reindeer, or caribou, for the purpose of exporting the same out of Ontario, and in all cases the onus of proving that any such deer, elk, moose, reindeer, or caribou, as aforesaid, so hunted, taken or killed, is not intended to be exported as aforesaid, shall be upon the person hunting, killing, or taking the same, or in whose possession or custody the same may be found. Deer, moose, etc., not to be killed for export.

(2) Offences against this section, shall be punished by a fine not exceeding \$25, nor less than \$5 for each animal. 49 V. c. 45, s. 13.

Hounds not to run at large.

13. No owner of any hound, or other dog known by the owner to be accustomed to pursue deer, shall permit any such hound, or other dog, to run at large in any locality where deer are usually found, during the period, from the fifteenth day of November, to the fifteenth day of October, under a penalty on conviction, of not more than \$25, nor less than \$5, for each offence; any person harbouring or claiming to be the owner of any such hound or dog shall be deemed the owner thereof. 49 V. c. 45, s. 14.

Appointment of game inspectors.

14. It shall be lawful for the council of any county, city, town, township, or incorporated village, to appoint an officer who shall be known as the game inspector for such county, city, town, township or incorporated village, and who shall perform such duties in enforcing the provisions of this Act, and be paid such salary, as may be mutually agreed upon. 49 V. c. 45, s. 15.

Duties of inspector. Seizure of game.

15.—(1) It shall be the duty of every game inspector appointed as aforesaid, forthwith to seize all animals or portions of animals in the possession of any person contrary to the provisions of this Act, and to bring the person in possession of the same before a Justice of the Peace, to answer for such illegal possession.

Prosecutions.

(2) It shall also be the duty of every game inspector, to institute prosecutions against all persons found infringing the provisions of this Act, or any of them, and every inspector may cause to be opened, or may himself open in case of refusal, any bag, parcel, chest, box, trunk, or receptacle in which he has reason to believe that game killed or taken during the close season, or peltries out of season, are hidden.

Search for game.

(3) Every inspector, if he has reason to suspect, and does suspect that game killed or taken during the close season, or peltries out of season, are contained or kept in any private house, shed, or other building, shall make a deposition in the Form A annexed to this Act, and demand a search warrant to search such store, private house, shed, or other building, and thereupon such Justice of the Peace may issue a search warrant according to Form B. 49 V. c. 45, s. 16.

FORM A.

(Section 15.)

I, _____ undersigned game Inspector for
do hereby declare that I have reason to suspect, and do
suspect, that game killed or taken during the close season, or furs out of
season, etc., etc., (*as the case may be*) are at present held and concealed
(*describe the property, occupant, etc., and the place*).

Wherefore I pray that a warrant may be granted and given to me to
effect the necessary searches (*describe here the property, etc., as above*).

Sworn before me at
this _____

day of
A. D. 18
L. B.
J. P.

X. Y.
Game Inspector.

49 V. c. 45, Form A.

FORM B.

(Section 15.)

Province of Ontario, }
County of }

To each and every the constables of
County of _____

Whereas,

Game Inspector for

_____ has this day declared under oath before me, the
undersigned, that he has reason to suspect that (game, or birds killed or
taken during the close season, or furs out of season, etc., *as the case
may be*) are at present held and concealed, (*describe property, occupant,
place, etc.*)

Therefore, you are commanded by these presents in the name of Her
Majesty, to assist the said _____ Game Inspector,
and to diligently help him to make the necessary searches to find the
(*state the birds or game killed or taken during the close season, or furs out of
season, etc.*) which he has reason to suspect and does suspect to be held
and concealed in (*describe the property, etc., as above*) and to deliver, if
need there be, the said birds, etc., (*as the case may be*) to the said
Game Inspector, to be by him brought before me or before any other
magistrate to be dealt with according to law.

Given under my hand and seal
at _____

County of _____
this _____ day of
A. D. 18

L. B.
J. P.

L. S.

49 V. c. 45, Form B.

CHAPTER 222.

An Act for the Protection of Insectivorous and other Birds beneficial to Agriculture.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Not to affect
Rev. Stat. c.
221.

1. Nothing in this Act contained shall be held to affect *The Act for the Protection of Game and Fur-bearing Animals*, or to apply to any imported cage birds or other domesticated bird or birds generally known as cage birds, or to any bird or birds commonly known as poultry. R. S. O. 1877, c. 201, s. 1.

Cage birds and
poultry.

Birds that may
be killed.

Rev. Stat. c.
22.

2.—(1) It shall not be lawful to shoot, destroy, wound or injure, or to attempt to shoot, destroy, kill, wound or injure any bird whatsoever, save and except eagles, falcons, hawks, owls, wild pigeons, black-birds, king-fishers, crows, jays, English sparrows and ravens, and the birds specially mentioned in *The Act for the Protection of Game and Fur-bearing Animals*. R. S. O. 1877, c. 201, s. 2; 41 V. c. 22, s. 1; 49 V. c. 45, s. 2.

(2) Any person may, during the fruit season, for the purpose of protecting his fruit from the attacks of such birds, shoot or destroy, on his own premises, the birds known as the robin and cherry bird, without being liable to any penalty under this Act. 44 V. c. 29, s. 1.

Trapping and
selling for-
bidden.

3. It shall not be lawful to take, capture, buy, sell, expose for sale or have in possession any bird whatsoever, save the kinds hereinbefore or hereinafter excepted, or to set, wholly or in part, any net, trap, springe, snare, cage, or other machine or engine by which any bird whatsoever, save and except eagles, falcons, hawks, owls, wild pigeons, king-fishers, jays, crows and ravens might be killed and captured; and any net, trap, springe, snare, cage or other machine or engine, set either wholly or in part for the purpose of either capturing or killing any bird or birds, save and except eagles, falcons, hawks, owls, wild pigeons, black-birds, king-fishers, crows, jays, English sparrows and ravens may be lawfully used by any person without such person incurring any liability therefor. R. S. O. 1877, c. 201, s. 3; 50 V. c. 7, s. 17; c. 8, Sched.

Nest, young or
egg not to be
taken.

4. It shall not be lawful to take, injure, destroy or have in possession any nest, young or egg of any bird whatsoever, except of eagles, falcons, hawks, owls, wild pigeons, black-birds, king-fishers, crows, jays, English sparrows and ravens. R. S. O. 1877, c. 201, s. 4; 50 V. c. 7, s. 18; c. 8, Sched.

5. Any person may seize, on view, any bird unlawfully possessed, and carry the same before any Justice of the Peace, to be by him confiscated, and if alive to be liberated; and it shall be the duty of all market clerks and policemen or constables, on the spot to seize and confiscate, and if alive, to liberate such birds. R. S. O. 1877, c. 201, s. 5.

Power to seize birds unlawfully possessed.

6. The Commissioner of Agriculture, and all persons authorized by him to that effect, may grant written permission to any person or persons who may be desirous of obtaining birds or eggs for *bona fide* scientific purposes, to procure them for that purpose, and such person or persons shall not be liable to any penalty under this Act. R. S. O. 1877, c. 201, s. 6.

Eggs or birds required for scientific purposes.

7.—(1) The violation of any provision of this Act shall subject the offender to the payment of not less than \$1 and not more than \$20 with costs, on summary conviction, on information or complaint before one or more Justices of the Peace.

Penalties.

(2) The whole of the fine shall be paid to the prosecutor, unless the convicting Justice has reason to believe that the prosecution is in collusion with and for the purpose of benefiting the accused, in which case the said Justice may order the disposal of the fine as in ordinary cases.

Application of fines.

(3) In default of payment of the fine and costs, the offender shall be imprisoned in the nearest common gaol for a period of not less than two and not more than twenty days, at the discretion of the Justice. R. S. O. 1877, c. 201, s. 7.

Imprisonment.

8. No conviction under this Act shall be annulled or vacated for any defect in the form thereof, or for any omission or informality in any summons or other proceeding under this Act, so long as no substantial injustice results therefrom. R. S. O. 1877, c. 201, s. 8.

Conviction not invalid for want of form.

CHAPTER 223.

An Act to encourage the Destroying of Wolves.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. If any person produces the head of a wolf with the ears on, before any Justice of the Peace acting for any county in Ontario, and makes oath or affirmation (as the case may be), or otherwise proves to the satisfaction of such Justice, that the wolf was killed within that county, or within one mile of an

When any person producing to a J. P. the head of a wolf with the ears on, entitled to a reward.

actual settlement in the county, he shall be entitled to receive from the treasurer of the county the sum of \$6 as a bounty for the same. R. S. O. 1877, c. 202, s. 1.

J. P. to give
his certificate.

2. In case the Justice of the Peace before whom the head of the wolf is produced, is satisfied of the fact that the wolf was killed as in the preceding section mentioned, he shall first cut off the ears thereof, and then give the person a certificate that the fact of the wolf having been killed as in the last section mentioned has been proved to his satisfaction, and such certificate shall authorize the person holding the same to demand and receive from the treasurer of the county the said bounty of \$6. R. S. O. 1877, c. 202, s. 2.

Treasurer to
pay the re-
ward if in
funds.

3. The treasurer of the county shall forthwith pay such bounty to the person presenting the certificate, provided the county funds in his hands enable him so to do; and if the said funds do not so enable him, then the said treasurer shall pay the same out of the moneys of the county which next thereafter come into his hands. R. S. O. 1877, c. 202, s. 3.

Other County
expenses to be
first paid.

4. The treasurer of a county shall not pay the bounty to which any such certificate entitles the person presenting the same, until he has paid the annual expenses of the county, arising from the building of a court house and gaol, and keeping the same in repair, the fees of the clerk of the peace, the salary of the gaoler, and the maintenance of the prisoners. R. S. O. 1877, c. 202, s. 4.

If not paid
certificate may
be tendered in
discharge of
rates.

5. When the funds of any county do not enable the treasurer thereof to pay the bounty, the certificate thereof shall be a lawful tender to the full value and amount therein specified, for and towards the discharge of any county rate or assessment to be collected from any person within the county in which the wolf was destroyed, and shall be accepted and taken by the collector of any township within the county as equivalent to so much of the current money of Canada, and may be by him paid and delivered over to the county treasurer, by whom the same shall in like manner be taken and accepted as equivalent to so much of the current money aforesaid. R. S. O. 1877, c. 202, s. 5.

SECTION XIII.

EDUCATION.

CHAP. 224.—EDUCATION DEPARTMENT, p. 2381.

“ 225.—PUBLIC SCHOOLS, p. 2385.

“ 226.—HIGH SCHOOLS AND COLLEGIATE INSTITUTES, p. 2451.

“ 227.—SEPARATE SCHOOLS, p. 2466.

“ 228.—CONVEYANCES TO TRUSTEES FOR SCHOOL PURPOSES, p. 2499.

“ 229.—UPPER CANADA COLLEGE, p. 2500.

“ 230.—UNIVERSITY OF TORONTO, p. 2503.

“ 231.—INCOME AND PROPERTY OF UNIVERSITY OF TORONTO, UNIVERSITY COLLEGE, AND UPPER CANADA COLLEGE, p. 2524.

“ 232.—SCHOOL OF PRACTICAL SCIENCE, p. 2531.

“ 233.—AGRICULTURAL COLLEGE, p. 2533.

“ 234.—INDUSTRIAL SCHOOLS, p. 2538.

CHAPTER 224.

An Act respecting the Education Department.

DEPARTMENT ESTABLISHED, s. 1.

Powers and duties of department,
s. 4.

MINISTER OF EDUCATION, ss. 2, 3.

Annual report, s. 5.

Power to settle disputes, s. 6.

ORDERS AND REGULATIONS TO BE
LAID BEFORE THE LEGISLATURE,
s. 7.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. There shall be a Department of Education, which shall consist of the Executive Council, or a committee thereof appointed by the Lieutenant-Governor; and one of the said Executive Council, to be nominated by the Lieutenant-Governor, shall hold the office of “Minister of Education.” 48 V. c. 48, s. 1. Department established.

2. The office of Minister of Education may be held by a member of the Executive Council holding no other office; and notwithstanding any salary attached thereto, he shall be Office of Minister of Education.

capable of being elected, and sitting and voting as a member of the Legislative Assembly; or such office may be held in connection with any other office held by a member of the Executive Council; and any of the powers and duties of the said office may be assigned for a limited period, or otherwise, to any other of the members of the Executive Council holding any other departmental office, by name or otherwise. 48 V. c. 48, s. 2.

Acceptance of the office of Minister, no vacation of seat in the Legislature.

3. In case a member of the Executive Council holding any one of the five departmental offices established by section 63 of *The British North America Act, 1867*, and being at the same time a member of the Legislative Assembly, resigns his office, and within one month after his resignation accepts the office of Minister of Education, he shall not thereby vacate his seat in the Legislative Assembly, unless the administration of which such person was a member has resigned, and in the interval a new administration has occupied the said offices; or in case such member of the Executive Council is appointed to hold the office of Minister of Education in addition to or in connection with one of the said five departmental offices, he shall not thereby vacate his seat in the Legislative Assembly; and in either of the said cases any increase or change of emolument arising from the office of Minister of Education shall not cause any vacancy, or render a re-election necessary. 48 V. c. 48, s. 3.

Powers.

4. The Education Department shall have power—

Regulations.

1. To make regulations for the classification, organization, discipline and government of normal, model, high, public and separate schools; for the equipment and ventilation of school houses; for the arrangement and requisites of school premises; for the authorization of text-books for the use of pupils, and for determining the qualifications and duties of inspectors, examiners, teachers and assistants in high schools;

Appointment of Inspectors.

2. To appoint inspectors of high schools, separate schools, and county model schools, masters of Provincial, normal and model schools, and directors of teachers' institutes;

Central Committee of Examiners.

3. To appoint a central committee of examiners of not more than seven persons, whose duty it shall be, under the directions of the Minister, to prepare examination papers for the annual departmental examination of teachers, for the closing examination of the normal schools and county model schools, and the admission of pupils to high schools and collegiate institutes, and to report to the Minister the results of such examinations;

Model Schools for teachers of Separate Schools.

4. To authorize a separate school in any county to be constituted a model school for the training of teachers for separate schools, and in such case, or where from the special circum-

stances of the separate schools in any county it may be deemed expedient, to appoint one competent person possessing the qualifications prescribed by the Education Department, to be a member of the county board of examiners of such county in addition to the number now authorized, and who shall possess and discharge the like powers and duties as the other members of the said board ;

5. To set apart, subject to such regulations as may be made in that behalf, not more than five high schools or collegiate institutes for the purpose of providing such instruction in the theory and practice of teaching as may be deemed necessary for promoting the efficiency of assistant masters of high schools and collegiate institutes, and of teachers holding a first-class non-professional public school certificate ;

Training of teachers.

6. To prescribe the subjects, times, places and extent of the examination of pupils for admission into high schools and collegiate institutes, and to determine the standard to be obtained by each pupil at such examination ;

Admission to High Schools and Collegiate Institutes.

7. To arrange with learned societies in Canada or the British Dominions, or with the Law Society, the College of Physicians and Surgeons or any chartered University in the British Dominions for reciprocally accepting in such subjects as may be agreed upon the examinations of the aforesaid institutions, as the equivalent of the departmental examinations ;

Acceptance of examinations of learned societies.

8. To make regulations for granting the pensions provided by law for superannuated inspectors and teachers ;

Pensions.

9. To examine, and at its discretion, recommend and authorize text-books, or books of reference for the use of pupils and teachers, or books for school libraries ;

To authorize text and library books.

10. To prescribe such forms for school registers and departmental reports as may be deemed expedient ;

To prescribe forms for school registers, etc.

11. To make, from time to time, regulations for the distribution within the restrictions imposed by *The High Schools Act*, of the high school fund, among the several high schools and collegiate institutes entitled to receive it ;

To regulate grants under Rev. Stat. c. 226.

12. To deduct (should the municipal corporation of any county, city, town or village raise in any one year a less sum than that apportioned to it out of the Legislative school grant) a sum equal to the deficiency, from the apportionment to such county, city, town or village, in the following year ;

Short municipal assessment.

13. To make such regulations respecting the imposition of fees on candidates for teachers' certificates, as would meet all the expenses of departmental and county model school examinations ;

Fees for teachers' certificates.

14. To extend on the petition of a board of school trustees, and such evidence as to efficiency as may be deemed necessary, any third class certificate issued under the authority of *The Public Schools Act* ;

Extension of third class certificates. Rev. Stat. c. 225.

Regulations
for organiza-
tion and man-
agement of art
schools.

15. To make regulations for the organization and management of art schools, to prescribe a curriculum of studies for such schools, and on examination award certificates valid in any municipality of the Province, to such candidates as may present themselves ;

(a) Certificates awarded under this sub-section may be of two grades, and shall entitle the holders thereof to teach drawing in high schools, public schools, county model schools and mechanics' institutes ;

(b) Certificates from any art school in the British Dominions may be accepted as equivalent to any issued as herein provided ;

Meteorologi-
cal stations.

16. To designate, from time to time, the number and locality of such meteorological stations as the Department may think desirable to establish in connection with the high schools of the Province ; and to authorize such forms of reports and meteorological journal to be used by the observers at such stations as it may judge necessary ; 48 V. c. 48, s. 4.

Instruction as
to agriculture
and the nature
of alcoholic
stimulants and
narcotics.

17. To make regulations for the study of agriculture and for scientific instruction as to the nature of alcoholic stimulants and narcotics, with special reference to their effect upon the human system, and to authorize for the use of teachers and pupils, suitable text-books in said subjects, respectively, for use in all schools under the direction of the Department ;

Establishment
of kindergarten
ten schools.

18. To make regulations for the organization of schools for children between three and five years of age, to be known as kindergarten schools ; to provide for the training and licensing of teachers for such schools, and to pay for their maintenance out of any appropriation made by the Legislative Assembly for public schools, such sums of money as such kindergarten schools may be entitled to receive on the basis of average attendance. 50 V. c. 38, s. 1.

Annual report
to be made by
Minister of
Education.

5. The Minister of Education shall report annually to the Lieutenant-Governor upon the normal, model, high, public and separate schools and collegiate institutes, with such statements and suggestions for promoting education generally as he may deem useful and expedient. 48 V. c. 48, s. 5.

Power to
settle disputes
and com-
plaints.

6. The Minister of Education shall have power to decide upon all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any inspector or other school officer. 48 V. c. 48, s. 6.

Regulations
and Orders in
Council to be
laid before
Legislative
Assembly.

7.—(1) Every regulation or order in council made under this Act or under the public and high schools Acts, shall be laid before the Legislative Assembly forthwith if the Legislature is in session at the date of such regulation or order in

council, and if the Legislature is not in session such regulation or order in council shall be laid before the said House within the first seven days of the session next after such regulation or order in council is made.

(2) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the said regulation or order in council is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution of such regulation or order in council either wholly or of any part thereof, the regulation or order in council, so far as disapproved of, shall have no effect from the time of such resolution being passed. 48 V. c. 48, s. 7.

CHAPTER 225.

An Act Respecting Public Schools.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PRELIMINARY.

Short title. 1. This Act may be cited as "*The Public Schools Act.*" 48 V. c. 49, s. 1.

Interpreta- 2. Where the words following occur in this Act, they shall
tion. be construed in the manner hereinafter mentioned, unless a contrary intention appears:

"Teacher." 1. "Teacher" shall include female as well as male teachers.

"County." 2. "County" shall include a union of counties.

"Township." 3. "Township" shall include unions of townships made for municipal purposes.

"School site." 4. "School site" shall mean such area of land as may be necessary for the school building, teacher's residence, offices and play-grounds connected therewith.

"Owner." 5. "Owner" shall include a mortgagee, lessee or tenant, or other person entitled to a limited interest, and whose claims may be dealt with by arbitration as herein provided.

"Resident." 6. "Resident" shall include such persons who, though not actually resident in a school section or division, pay a school rate at least equal to the average school rate paid by the actual residents of such section or division.

"Ratepayer." 7. "Ratepayer" shall mean an assessed householder, owner or tenant, or any person entered on the assessment roll as a farmer's son, or any person assessed for income. 48 V. c. 49, s. 2.

No rate on 3. Nothing in this Act authorizing the levying or collecting
supporters of rates on taxable property for public school purposes shall
Roman Catho- apply to the supporters of Roman Catholic separate schools.
lic Separate 48 V. c. 49, s. 3.
Schools.

Existing 4. All public school sections or other public school divi-
school sions, together with all elections and appointments to office, all
arrange- agreements, contracts, assessments, and rate-bills, heretofore
ments continued.

duly made in relation to public schools, and existing when this Act comes into force, shall be subject to the provisions of this Act. 48 V. c. 49, s. 4.

5. The term for which each school trustee holds office at the time this Act takes effect, shall continue as if such term had been created by virtue of an election under this Act. 48 V. c. 49, s. 5. Trustees term of office.

PUBLIC SCHOOLS TO BE FREE.

6. All public schools shall be free schools, and every person between the age of five and twenty-one years shall have the right to attend some school. 48 V. c. 49, s. 6. Public schools to be free.
School age.

RELIGIOUS INSTRUCTION.

7. No person shall require any pupil in any public school to read or study in or from any religious book, or to join any exercise of devotion or religion, objected to by his or her parents or guardians. 48 V. c. 49, s. 7. Pupils not to be required to join in religious exercises objected to by their parents.

8. Pupils shall be allowed to receive such religious instructions as their parents or guardians desire, according to any general regulations provided for the organization, government and discipline of public schools. 48 V. c. 49, s. 8. To receive religious instruction as their parents desire.

RURAL PUBLIC SCHOOLS.

9. The municipal council of each township shall form portions of the township, where no schools have been established, into school sections, each section to be distinguished by a number; provided that no section so formed shall include any territory more than three miles in a direct line from the site of the schoolhouse. This section shall not apply to townships in which there is a township board. 48 V. c. 49, s. 9. School sections.

10. No section shall be formed which contains less than fifty actual resident children, between the ages of five and twenty-one years, unless the area of the section contains more than four square miles. 48 V. c. 49, s. 10. New school sections their size.

11. It shall be the duty of every township clerk to prepare in duplicate a school map of the township, showing the divisions of the township into school sections and parts of undivided school sections, to furnish one copy of such map to the county clerk, for the use of the county council, and retain the other in the township clerk's office, for the use of the township corporation. 48 V. c. 49, s. 11. Township Clerk to prepare maps of school sections.

Trustees' term of office. **12.** For each rural school section there shall be three trustees, each of whom, after the first election of trustees, shall hold office for three years, and until his successor has been elected. 48 V. c. 49, s. 12.

Trustees, qualification of. **13.** The persons qualified to be elected trustees shall be such persons as are actual resident ratepayers within the school section, and of the full age of twenty-one years, and are not disqualified under this Act. 48 V. c. 49, s. 13.

Electors, qualification of. **14.** Every ratepayer of the full age of twenty-one years, who is a public school supporter within the section for which he is such ratepayer, shall be entitled to vote at any election for school trustee, or on any school question whatsoever, at any annual or special meeting in the said section 48 V. c. 49, s. 14.

Annual meeting when held. **15.** A meeting of the ratepayers of every section shall be held annually on the last Wednesday of December, or if such Wednesday be a holiday, then on the next day following, commencing at the hour of ten o'clock in the forenoon, for the purpose (among other things) of electing a school trustee or trustees. 48 V. c. 49, s. 15.

Meetings to be called in default of first or annual meetings. **16.** In case, from the want of proper notice or other cause, any first or annual school section meeting, required to be held for the election of trustees, was not held at the proper time, the inspector, or any two ratepayers in the section may call a school meeting, by giving six days' notice, to be posted in at least three of the most public places in the school section; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. 48 V. c. 49, s. 16.

Order of business. **17.**—(1) The electors of such school section present at such meeting shall elect one of their own number to preside over its proceedings, and shall also appoint a secretary, who shall record the proceedings of the meeting, and perform such other duties as may be required of him by this Act.

(2) The business of such meeting may be conducted in the following order:

- (a) Receiving the annual report of the trustees, and disposing of the same;
- (b) Receiving the annual report of the auditor or auditors, and disposing of the same;
- (c) Electing an auditor for the current year;
- (d) Miscellaneous business;
- (e) Electing a trustee or trustees to fill any vacancy or vacancies. 48 V. c. 49, s. 17.

18. The chairman shall preside and submit all motions to the meeting in the manner desired by the majority. In case of an equality of votes, he shall give the casting vote but no other vote. He shall decide all questions of order, subject to an appeal to the meeting. 48 V. c. 49, s. 18.

19. When a poll is demanded by two electors at the meeting for the election of a trustee, the chairman shall forthwith grant the same, and the secretary shall thereupon immediately proceed to record, as herein directed, the names of all qualified electors who shall present themselves within the time prescribed by this Act, and the secretary shall enter in the poll-book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall, in the column on which is entered the name of a candidate voted for by a voter, set the figure '1' opposite the voter's name, with the residence of the voter. 48 V. c. 49, s. 19.

20. In case a poll is demanded upon any public school question by any two electors the name of each voter shall be similarly placed in separate columns, marked "for" or "against." 48 V. c. 49, s. 20.

21. In case an objection is made to the right of any person to vote at any annual or special meeting, either for trustee or upon any school question, the chairman of the meeting, or other officer presiding, shall require the person whose right of voting is objected to, to make the following declaration or affirmation :

(1) I, A.B., do declare and affirm, that I am an assessed ratepayer (or farmer's son, as the case may be) in school section .

(2) That I am of the full age of 21 years.

(3) That I am a supporter of the public school in said school section No.

(4) That I have the right to vote at this election.

Whereupon the person making such declaration shall be entitled to vote. 48 V. c. 49, s. 21.

22. The poll at every election of a rural school trustee or trustees or on any school question, shall not close before eleven o'clock in the forenoon, but may close at any time thereafter when a full hour has elapsed without any vote having been polled, and shall not be kept open later than four o'clock in the afternoon of the day on which the election is commenced : and when such poll is closed the chairman and secretary shall count the votes polled for the respective candidates or for the

school question submitted, as the case may be, and shall declare the candidate elected, or the school question adopted, for which the highest number of votes was polled, or in case of a tie the chairman shall give the casting vote, as provided in section 18 of this Act. 48 V. c. 49, s. 22; 50 V. c. 39, s. 2.

Acceptance
of office by
trustees.

23. The secretary of every school meeting at which any person or persons were elected as school trustees shall forthwith notify in writing each of such persons of his election, and every person so notified shall be considered as having accepted such office unless a notice to the contrary effect has been delivered by him to such secretary within twenty days after the date of such election. 50 V. c. 39, s. 3.

Term for
vacancies.

24. Any trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected. 48 V. c. 49, s. 24.

Trustees may
resign.

25. Any trustee of a rural school section may resign with the consent, expressed in writing, of his colleagues in office. 48 V. c. 49, s. 25.

Re-election of
any trustee
lawful.

26. Any retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office. 48 V. c. 49, s. 26.

Corporation
not to cease
by want of
Trustees.

27.—(1) No school corporation shall cease to exist by reason of the want of trustees, but in case of such want any two ratepayers of the section, or the inspector, may, by giving six days' notice, to be posted in at least three of the most public places of the section, call a meeting of the ratepayers, who shall proceed to elect three trustees, in the manner prescribed in section 17 and the following sections of this Act; and the trustees thus elected shall hold and retire from office in the manner prescribed by section 30 of this Act. 48 V. c. 49, s. 27.

Tenure of
office.

Dissolution
of school
sections.

(2) When the ratepayers of any school section, for two years neglect or refuse to elect trustees, after being duly notified as herein provided, the municipal council of the township may appoint trustees for the said school section, who shall hold office for the same term as if elected by the ratepayers. 50 V. c. 39, s. 4.

Proceedings
on formation
of new school
section.

28. Where a new school section is formed in any township as provided in section 81 of this Act, the clerk of the township shall give notice of the number and description of such school section to the county inspector, who shall cause copies of the notice so received by him to be posted in three of the most public places in the new school section at least six days before the last Wednesday in December, in the year in

which such new school section was formed, and the first meeting in every new school section shall be held at the same time as the annual meeting in rural school sections. 50 V. c. 39, s. 5.

29. The meeting shall be organized, and the proceedings conducted, (as near as may be), according to the provisions of sections 17 to 22 of this Act, inclusive. 48 V. c. 49, s. 29. How meeting to be organized.

30. The trustees elected at a first school section meeting shall respectively continue in office as follows : Term of office of each Trustee.

1. The first person elected shall continue in office for two years, to be reckoned from the annual school meeting next after his election, and thence until his successor has been elected ; First.

2. The second person elected shall continue in office for one year, to be reckoned from the same period, and until his successor has been elected ; Second.

3. The third, or last person elected, shall continue in office until the next ensuing annual school meeting in such section, and until his successor has been elected ; Third.

4. In case of a poll being taken for one or more trustees at a first school section meeting, then the trustees shall rank in seniority according to the number of votes polled, and in case of a tie, then in the order of their nomination. 48 V. c. 49, s. 30.

31. A correct copy of the minutes of a first and of every annual and of every special school section meeting, signed by the chairman and secretary, shall be forthwith transmitted by the chairman of the meeting to the county inspector. 48 V. c. 49, s. 31. Copy of minutes to be sent to Inspector.

32. When complaint is made to the inspector by any ratepayer that the election of a trustee, or that the proceedings or any part thereof of any school meeting, have not been in conformity with the provisions of this Act, the inspector shall investigate the same, and confirm or set the election or proceeding aside, and appoint the time and place for a new election, or for the reconsideration of a school question, but no complaint in regard to any election or proceeding at a school meeting shall be entertained by any inspector unless made to him in writing within twenty days after the holding of the election or meeting. 48 V. c. 49, s. 32. Complaints as to elections.

33.—(1) The trustees of every such school section shall be a corporation under the name of "The Board of Public School Trustees for School Section _____ of the Township of _____ in the County of _____." Trustees a Corporation.

(2) The board (a majority of whom shall form a quorum) shall be constituted by the election of a chairman and a secretary-treasurer.

(3) The secretary-treasurer, who may be a member of the board, shall give such security as may be required by a majority of the trustees—such security to be deposited with the clerk of the municipality. 48 V. c. 49, s. 33.

Secretary-Treasurer,
duties of.

34. It shall be the duty of the secretary-treasurer :

1. To keep a full and correct record of the proceedings of every meeting of the board in the minute-book provided by the trustees for that purpose, and to see that the minutes, when confirmed, are signed by the chairman or presiding trustee ;

2. To receive all school moneys collected from the inhabitants or ratepayers of the section or other persons, and to account for the same ;

3. To disburse all moneys in the manner directed by a majority of the trustees ;

4. To produce, when called for by the trustees, auditors or other competent authority, all papers and moneys belonging to the corporation ;

5. To call at the request in writing of two trustees a special meeting of the board of trustees. 48 V. c. 49, s. 34.

Notices of
meetings,
how given.

35. Notice of all meetings shall be given by the secretary to each of the trustees, or by any one of the trustees to the others, by notifying them personally, or in writing, or by sending a written notice to their residences. 48 V. c. 49, s. 35.

Corporate acts
must be
adopted at
lawful trustee
meetings.

36. No act or proceeding of a rural school corporation which is not adopted at a regular or special meeting of the trustees, shall be valid or binding on any person affected thereby, unless notice has been given as required by this Act and unless at least two trustees are present. 48 V. c. 49, s. 36.

Appointment
of Auditor.

37.—(1) Every board of school trustees shall on or before the first day of December appoint an auditor, and in case of their neglect, or the neglect of the ratepayers at an annual or special meeting to do so, or in case of an auditor being appointed or elected who refuses, or is unable to act, then the inspector shall (at the request in writing of any two ratepayers) make the appointment.

(2) It shall be the duty of the trustees, or their secretary-treasurer to lay all their accounts before the school auditors of the section, or either of them, together with the agreements, vouchers, contracts and books in their possession, and the trustees or their secretary-treasurer, shall afford to the auditors,

or either of them, all the information in their or his power as to the receipts and expenditures of school moneys. 48 V. c. 49, s. 37.

38. The auditors appointed, or one of them, shall, on or immediately after the first day of December in each year, ^{Time of audit.} appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section. 48 V. c. 49, s. 38.

39. It shall be the duty of the auditors of every school ^{Duties of auditor.} section :

1. To examine into and decide upon the accuracy of the accounts of the section, and whether the trustees have duly accounted for and expended for school purposes the moneys received by them, and to submit the said accounts, with a full report thereon at the next annual school meeting ;

2. In case of difference of opinion between the auditors on any matter in the account, it shall be referred to and decided by the county inspector ;

3. If both of the auditors object to the lawfulness of any expenditures made by the trustees, they shall submit the matters in difference to the annual meeting, which may either determine the same, or submit the matter to the Minister of Education, whose decision shall be final ;

4. It shall be competent for the auditors or one of them—

(a) To require the attendance of all or any of the persons interested in the accounts, and of their witnesses, with all such books, papers, and writings as the auditor or auditors may direct them or either of them to produce ;

(b) To administer oaths to such persons and witnesses ;

(c) To issue their or his warrant to any person named therein, to enforce the collection of any moneys by them awarded to be paid ; and the person named in the warrant shall have the same power and authority to enforce the collection of the moneys mentioned in the said warrant, with all reasonable costs by seizure and sale of the property of the party or corporation against whom the same has been issued, as any bailiff of a Division Court has in enforcing a judgment and execution issued out of such Court ;

(d) The auditors shall remain in office until their audit is completed. 48 V. c. 49, s. 39.

40. It shall be the duty of the trustees—

1. To appoint the place of each annual school meeting of the ratepayers of the section ; and the time and place of a ^{Meetings to be appointed by the trustees.}

Filling vacancies. special meeting of the same for (1) the filling up of any vacancy or vacancies in the trustee corporation occasioned by death, removal, or other cause; or (2) for the selection of a new school site; or (3) the appointment of a school auditor; or (4) any other lawful school purpose, as they may think proper; and to cause notices of the time and place, and of the objects of such meetings, to be posted in three or more public places of the section, at least six days before the time of holding such meeting;

Notice.

(a) Every such meeting shall be organized, and its proceedings recorded in the manner provided for in section 17 and the following sections of this Act.

Adequate accommodation.

2. To provide adequate accommodation and a legally qualified teacher or teachers, according to the regulations prescribed by the Education Department, for two-thirds of the actual resident children between the ages of five and twenty-one years, as ascertained by the census taken by the municipal council for the next preceding year: provided always such actual residents are not to include the children of persons on whose behalf a separate school is established according to the provisions of *The Separate Schools Act*;

Rev. Stat. c. 227.

Apply to municipality for school moneys.

3. To apply to the township council at or before its meeting in August for the levying and collecting by rate, all sums for the support of their school, or schools, and for any other school purposes authorized by this Act to be collected from the ratepayers of such section, or to raise the amount necessary for the purchase of school sites, the erection or otherwise acquiring of school-houses and their appendages and teacher's residence, either by one yearly rate or by debentures, as provided in section 129 of this Act, as may be required by the trustees;

Arrange payment of salaries.

4. To arrange for the payment of teachers' salaries quarterly and, if necessary, to borrow on their promissory note, under the seal of the corporation, at interest not exceeding eight per cent. per annum, such moneys as may be required for that purpose, until the taxes imposed therefor are collected;

Repairing, etc., school-house.

5. To keep the school-house, furniture, outbuildings, and enclosures in proper repair, and where there is no suitable school-house belonging to the section, or where two or more school-houses are required, to build or rent a house or houses and to keep such house or houses, its or their furniture, outbuildings and enclosures in proper repair;

Names and addresses of trustees, and teachers to be given to township clerk.

6. To give notice in writing, before the fifteenth day of January in each year, to the inspector and to the clerk of the township in which their school is situate of the names and post-office addresses of the several trustees then in office, and of the teachers employed by them, and to give reasonable notice in writing from time to time of any changes therein;

7. To exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons, notice of such exemption to be given by the trustees to the clerk of the municipality, on or before the first day of August; Exempt indigent persons.

8. To dismiss from the school any pupil who shall be adjudged so refractory by the trustees (or by a majority of them) and the teacher that his presence in school is deemed injurious to the other pupils, and, where practicable, to remove such pupil to an industrial school; Dismissal of refractory pupils.

9. To take possession and have the custody and safe keeping of all public school property which has been acquired or given for public school purposes in the section; and to acquire and hold as a corporation, by any title whatsoever, any land, moveable property, moneys or income given or acquired at any time for public school purposes, and to hold or apply the same according to the terms on which the same were acquired or received; and to dispose, by sale or otherwise, of any school site or school property not required by them in consequence of a change of school site, or other cause; to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes, or as directed by this Act; Custody of school property. Sale of school site or other property.

10. To visit, from time to time, every school under their charge, and see that it is conducted according to law and the authorized regulations, and to provide school registers and a visitors' book, in the form prescribed by the Education Department; Visit schools.

11. To see that no unauthorized books are used in the school, and that the pupils are duly supplied with a uniform series of authorized text-books, sanctioned by the Education Department; and to procure annually, for the benefit of their school section, some periodical devoted to education, and to do whatever they may deem expedient in regard to procuring apparatus, maps, prize and library books for their school; Text-books.

12. To cause to be prepared and read at the annual meeting of the ratepayers, a report for the year then ending, containing, among other things, a summary of their proceedings during the year, together with a full and detailed account of the receipt and expenditure of all school moneys received and expended in behalf of the section, for any purpose whatever, during such year, and signed by the trustees and by either or both of the school auditors of the section; Report at annual meeting.

13. To transmit to the inspector the semi-annual returns on or before the 30th day of June and 31st day of December respectively, and the annual return on or before the 15th day of January in each year according to the forms prescribed by the Education Department. . 48 V. c. 49, s. 40. Annual and semi-annual returns.

SECTIONS IN UNORGANIZED TOWNSHIPS.

Formation of
school sec-
tions.

41.—(1) In unorganized townships in any county or district, it shall be lawful for the Stipendiary Magistrate thereof and the public school inspector (if any) of the county or district, or for the Stipendiary Magistrate alone, if there is no inspector, and for the inspector alone, if there is no Stipendiary Magistrate, to form a portion of a township, or of two or more adjoining townships, into a school section.

Limits of sec-
tion.

(2) No such section shall, in length or breadth, exceed five miles in a straight line, and, subject to this restriction, the boundaries may be altered by the same authority from time to time, and the alteration shall go into operation on the twenty-fifth day of December next after such alteration; provided always, no such school section shall be formed except on the petition of five heads of families resident therein. 48 V. c. 49, s. 41.

Exemption
from rates on
account of
distance.

42. Any person whose place of residence is at a distance of more than three miles in a direct line from the site of the school-house of the section shall be exempt from all rates for school purposes, unless a child of such ratepayer shall attend such school; but this exemption shall not apply to lands liable to taxation for school purposes owned by such person within the distance of three miles. 48 V. c. 49, s. 42; 50 V. c. 39, s. 6.

Election of
school
trustees.

43. After the formation of such a school section, it shall be lawful for any two of the petitioners, by notice posted for at least six days in not less than three of the most public places in the section, to appoint a time and place for a meeting for the election, as provided by law, of three school trustees for the section. 48 V. c. 49, s. 43.

Trustees'
powers and
obligations.

44.—(1) The trustees elected at such meetings, or at any subsequent school meetings of the section, as provided by law, shall have all the powers and be subject to all the obligations of public school trustees generally. 48 V. c. 49, s. 44.

Court of
Revision.

(2) The secretary-treasurers of all such boards of public school trustees in unorganized townships shall be, *ex-officio*, members of a Court of Revision, any three of whom, acting together, shall be a legally constituted Court for the revision and correction of school section assessment rolls, and for the hearing and settlement of any appeals against the same.

(3) The inspector of schools for the district shall divide the school sections into groups of three sections in every group, and shall notify the secretary-treasurers of the sections concerned of the group to which they respectively belong.

(4) In every case where from the sparseness of settlements, it would be inconvenient for a Court of Revision as herein constituted to meet for the revision and equalization of the

assessment roll, it shall be lawful for the inspector, on the request of any board of trustees, to assume the functions of such Court of Revision for the section on behalf of which such request is made, and all the proceedings of the inspector in the matter of the revision or correction of the assessment roll, shall be subject to the provisions of this Act, and shall have the same effect as if made in a Court of Revision. 50 V. c. 39, s. 7.

45. The trustees of all school sections in unorganized townships shall, annually, appoint a duly qualified person to make out an assessment roll for the section, the secretary-treasurer of which shall submit a certified copy of the same to the proper Court of Revision for the correction of errors or improper entries that may be found therein. 50 V. c. 39, s. 8. Annual assessment roll.

46. A copy of the said roll as so corrected shall be open to inspection by all persons interested, at some convenient place in the section, notice whereof, signed by the secretary-treasurer of the section, shall be annually posted in at least three of the most public places in the section, and shall state the place and the time at which the Court will hear appeals against said assessment roll, and such notice shall be posted as aforesaid by the trustees for at least three weeks prior to the time appointed for hearing the appeals. 50 V. c. 39, s. 9. Appeal against assessment.

47. All appeals shall be made in the same manner and after the same notice, as nearly as may be, as appeals are made to a Court of Revision in the case of ordinary municipal assessments, and the Court of Revision, as constituted according to section 44, shall have the same powers as ordinary municipal Courts of Revision. 50 V. c. 39, s. 10. Manner of appeal.

48. The annual roll, as finally passed and signed by the chairman of the Court of Revision, shall be binding upon the trustees and ratepayers of the section, until the annual roll for the succeeding year is passed and signed as aforesaid. 50 V. c. 39, s. 11. Confirmed roll binding.

49. Where any township under the jurisdiction of a township board is unorganized, appeals against its certified assessment roll, made out by a person appointed by the board, shall be made to the Stipendiary Magistrate or Judge of the district or county, who has jurisdiction in other matters therein. 48 V. c. 49, s. 49. Appeals in unorganized township.

50. In forming union school sections between and out of an organized township municipality and an unorganized township or locality within any territorial or judicial district, it shall be lawful for such union school section to be formed or altered according to the provisions of this Act, except that the Union school sections.

Stipendiary Magistrate shall act for the unorganized township or locality, and the reeve of the organized township for his township. 48 V. c. 49, s. 50.

Appointment
and duty of
school col-
lector.

51. The trustees shall appoint some fit and proper person or one of themselves, to be a collector (who may also be secretary-treasurer), to collect the rates imposed by them upon the ratepayers of their school section, or the sums which the inhabitants or others may have subscribed, or a rate-bill imposed on any person; and pay to such collector at the rate of not less than five, or more than ten per centum on the moneys collected by him; and every such collector shall give such security as shall be satisfactory to the trustees, which security shall be lodged for safe keeping with the Stipendiary Magistrate or the inspector by the trustees. 48 V. c. 49, s. 51.

Powers of
School collector.

52. Every such collector shall have the same powers in collecting the school rate, rate-bill, or subscriptions, shall be under the same liabilities and obligations, and proceed in the same manner in his school section and township, as a township collector does in his municipality, in collecting rates in a township or county, as provided in the municipal and assessment Acts from time to time in force. 48 V. c. 49, s. 52.

Boards in Mu-
nicipalities
without
county organi-
zation.

53. In municipalities composed of more than one township, but without county organization, it shall be optional with the municipal council thereof to form portions of the townships comprising the municipality into school sections, or to establish a board of public school trustees, two members being elected for each ward, and if not divided into wards, two for each township thereof, and such board shall possess all the powers and duties of township boards, and shall also, upon the petition of at least five heads of families, provide school accommodation and a teacher for their children and others. 48 V. c. 49, s. 53.

TOWNSHIP BOARDS.

Establishment
of Township
Boards.

54. At the annual meeting in any year of the school sections in a township, the question of forming a township board may be submitted in each section for the decision of the meeting, and whenever in any township, at any such annual meeting, two-thirds in number of the school sections so decide, the council of the township shall thereupon pass a by-law to abolish the division of the township into school sections, and to establish a public school board accordingly; and this shall take effect on the first day of January in the next following year, and any portion of the township forming a union, or being part of a school division with another municipality or portion thereof, shall be considered as a section in respect of the said requisite number of two-thirds of the school sections of the township. 48 V. c. 49, s. 54.

55. The township council shall, in the by-law for establishing the public school board, divide the township into four wards, which shall be the same from time to time as the wards for municipal purposes, when any exist in the township, and after such by-law goes into effect, all the public schools of the township shall be managed by one board of trustees. 48 V. c. 49, s. 55.

Division of township into wards.
Management by Board.

56. At the first election, two resident ratepayers in the township shall be elected school trustees in and for each ward, one of the trustees in each ward (to be determined by lot at the first meeting of the trustees after their election) shall retire from office at the time appointed for the next annual school election, and the other shall continue in office for one year longer, and until his successor has been appointed, and shall then retire. 48 V. c. 49, s. 56.

Qualifications of members.

57. The election shall take place annually at the time, in the manner, and as prescribed by this Act, for the election of trustees in towns divided into wards. 48 V. c. 49, s. 57.

Time and manner of election.

58. The trustees so elected shall be a corporation under the name of "The Public School Board of the Township of _____ in the County of _____."

Board to be a Corporation.

48 V. c. 49, s. 58.

59.—(1) The board (a majority of whom shall form a quorum) shall be constituted by the election of a chairman and secretary-treasurer, and shall be invested with, and possess, exercise and enjoy all the rights, property, powers and incidents, and shall be subject to the same duties and obligations as trustees in rural school sections under the provisions of this Act, as well as those of public schools in cities and towns, and in any other statute, by-law, regulation, deed, proceeding, matter or thing the board shall be construed to stand and to be substituted for each and all of the trustees of the former school sections of the township.

Powers of Board.

(2) The board shall, when called upon, submit their accounts, books and vouchers to the auditors of the municipality, and it shall be the duty of the municipal auditors to audit such accounts in the same way and at the same time as the municipal accounts are audited. 48 V. c. 49, s. 59.

60. After the public school board is established, the portions of the township theretofore united with an adjoining municipality, or a portion thereof, shall cease to be so united on the first day of January next following the passing of the by-law for establishing the township board, and in the intervening period between the passing of the said by-law and such first day of January a new union may be formed under the provisions of this Act, under which the said former union

Effect as to parts united.

may be continued or another union formed, but the portion of the township in any former union shall remain liable for any rate such portion was subject to while so united, for the payment of any debt or loan, so far as the creditors or lenders thereof are concerned, and in cases where unions existing on the second day of March, 1877, are not re-formed under this Act, such unions shall continue to exist under and subject to the provisions of the Acts in force at the time of their formation. 48 V. c. 49, s. 60.

Adjustment of all claims consequent on Board being established.

61. The township council shall, so soon as the by-law for establishing the public school board is passed, appoint the county inspector jointly with two other competent persons, not residents of the township, and they, or any two of them, shall, in a report to the council, value the existing school houses, school sites, and other school property in each and every section, or portions of the township, and ascertain their respective debts and liabilities; and the said arbitrators, or any two of them, shall thereupon adjust and settle, in such manner as they may deem just and equitable, the respective rights, claims and demands of each and every school section or portion of the township, and the township council shall pass a by-law, and give full effect to the report of said arbitrators. 48 V. c. 49, s. 61.

Adjustment of claims in case of parts becoming disunited.

62. In cases where a portion of the township municipality, on the establishment of the public school board, ceases to be united with any other municipality, or portion thereof, the council of each such municipality shall respectively appoint one competent person, who, with the inspector or inspectors having jurisdiction in the respective municipalities concerned, shall, in a report to the councils of the respective municipalities, value and adjust all rights and claims consequent upon such disunion between the respective portions of such municipalities, and determine by what municipality or portion thereof, and in what manner the same shall be settled, and the disposition of the property of the union and any payment by one portion to the other, and the report of the majority of said persons shall be valid and binding; and in cases where the persons to make this report would be an even number, the County Judge shall also be added. 48 V. c. 49, s. 62.

Repeal of by-law, and for re-forming sections.

63. In case twenty ratepayers in more than one-half of the school wards of the township petition the township council to submit a by-law to the vote of the ratepayers of the township for the repeal of the by-law under which the public school board was established, but not until after the township board has existed for five years at least, a by-law shall be submitted to such vote accordingly, and the proceedings shall be in conformity with *The Municipal Act*, except that the vote shall not be by ballot; and in case in the majority of such wards the majority of the votes are for such repeal, the town-

ship council shall pass a by-law to disestablish such public school board, and form school sections instead thereof; but no repeal shall take effect until the first day of the month of January next following, which will be more than three months after the voting upon the by-law for that purpose; and the council shall also, in the same or another by-law, appoint the county inspector jointly with two other competent persons, not residents of the township, and they or any two of them shall, in a report to the council, value the school houses, school sites, and other school property which may thereupon become the property of such school section, and shall also adjust and settle the respective rights and claims consequent on such repeal between the respective school sections, or between any school section and the township, and all payments to be made by or to any of them. 48 V. c. 49, s. 63.

RURAL SCHOOL SITES.

64. Before any steps are taken by the trustees for securing New sites. a new school site on which to erect a new school-house, they shall call a special meeting of the ratepayers of the section, to consider the site proposed; and no change of school site shall be made, except in the manner hereinafter provided, without the consent of the majority of such special meeting. 48 V. c. 49, s. 64.

65. In case a majority of the trustees and a majority of the ratepayers present at such special meeting differ as to the situation of a new site, each party shall then and there choose an arbitrator, and the county inspector, or, in case of his inability to attend, any person appointed by him to act on his behalf shall be a third arbitrator; and such three arbitrators, When trustees and ratepayers disagree. or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter or matters submitted to them. Award. 48 V. c. 49, s. 65.

66. With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority, within three months from the date of their award, to reconsider such award and make and publish a second award, which award (or the previous one, if not reconsidered by the arbitrators) shall be binding upon all parties concerned for at least one year from the date thereof. 48 V. c. 49, s. 66. Reconsideration of award.

67. If the owner of the land selected for a new school site, or required for the enlargement of school premises, refuses to sell the same, or demands therefor a price deemed unreasonable by the trustees of any section, then such owner and the trustees shall each forthwith appoint an arbitrator, and the arbitrators thus appointed, together with the inspector, or in Where owner refuses to sell.

case of his inability to attend, any person appointed by him on his behalf as third arbitrator, or any two of them, shall appraise the damages for such land. 48 V. c. 49, s. 67; 50 V. c. 39, s. 12.

Appointment
of Arbitrators
--their powers.

68. If the majority of the school trustees, or the majority of a public school meeting, neglect or refuse, where there is a difference in regard to the selection of a school site, to appoint an arbitrator, as provided in the preceding section, or if the owner of land selected as a school site, as provided by the said section, neglects or refuses to appoint an arbitrator, it shall be competent for the county inspector with the arbitrator appointed, to meet and determine the matter; and the county inspector, in case of such refusal or neglect, shall have a second or casting vote, if he and the arbitrator appointed do not agree. 48 V. c. 49, s. 68.

Additional
powers of
arbitrators.

69.—(1) The arbitrators aforesaid, or any two of them, shall have the power to settle all claims or rights of incumbrancers, lessees, tenants, or other persons, as well as those of the owner, in respect of the land required for the purpose of the school site, upon notice in writing to every such claimant, and after hearing and determining his claims or rights.

Taking
land.

(2) Upon the tender of payment of the amount of such damage to the owner or other person entitled thereto, or to any part of such amount, by the school trustees, the land shall be taken and used for the purpose aforesaid. 48 V. c. 49, s. 69.

Proceedings
where an ar-
bitrator is ab-
sent.

70. If only a majority of the arbitrators appointed to decide any case arising under the authority of this Act are present at any lawful meeting, in consequence of the neglect or the refusal of the other arbitrator to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, and give the absent arbitrator notice of the adjournment. 48 V. c. 49, s. 70.

Award to
constitute,
title.

71. Any award for a school site made and published under this Act, if there be no conveyance, shall thereafter be deemed to be the title of the trustees to the land mentioned in it, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on the affidavit of one of the trustees verifying the same. 48 V. c. 49, s. 71.

Cost of
arbitration.

72. The parties concerned in all such disputes shall pay all the expenses incurred in them, according to the award or decision of the arbitrators, and the school inspector respectively. 48 V. c. 49, s. 72.

73. A school site shall not be selected in a township within a hundred yards of the garden, orchard, pleasure ground, or dwelling house of the owner of the site without his consent. Selection of school site.
48 V. c. 49, s. 73.

74. It shall be competent for the trustees (without reference to a special meeting of the ratepayers), to enlarge any school site existing on the 30th day of March, 1885, as required by the regulations of the Education Department, but no such enlargement shall be made in the direction of, or including an orchard, garden or dwelling house, without the consent of the owner of the land required, unless the school site cannot be otherwise enlarged. Enlargement of school site.
48 V. c. 49, s. 74 (1).

75. All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femmes-coverts, or other person, seised, possessed of or interested in any land, may contract for, sell or convey all or part thereof to school trustees for a school site or an addition to the school site, or for a teacher's residence; and any contract, agreement, sale, conveyance and assurance so made shall be valid and effectual to all intents and purposes whatsoever; and the corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of this Act. Who may convey school sites.
48 V. c. 49, s. 75.

76. If the owner of land duly selected for the said purpose is absent from the county in which the land lies, or is unknown, the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter; that he knows the land and that some certain sum therein named is, in his opinion, a fair compensation for the same; and on filing the said certificate with the Judge of the County Court of the county in which the land lies, accompanied by an affidavit or affidavits which satisfy the Judge that the owner is absent from the county and that, after diligent enquiry, he cannot be found, the Judge may order a notice to be inserted for such time as he sees fit in some newspaper published in the county; and he may, in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same to be effected in such other way as he sees fit. Remedy in case of absence of owner.
48 V. c. 49, s. 76.

77. The notice shall contain a short description of the land, and a declaration of the readiness of the trustees to pay the sum certified as aforesaid; shall give the name of a person to be appointed as the arbitrator of the trustees if their offer of that sum is not accepted; shall name the time within which the offer is to be accepted, or an arbitrator named by the What notice shall contain. Arbitrators.

owner ; and shall contain any other particulars which the County Judge may direct. 48 V. c. 49, s. 77.

Judge may
appoint
arbitrator.

78. If within such time as the Judge directs, the owner does not notify the trustees of the acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property. 48 V. c. 49, s. 78.

Responsibility
of trustees as
to compensa-
tion.

79. Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land ; and after the trustees have taken possession of land any claim to, or incumbrance upon the same or any portion thereof, shall as against the trustees, be converted into a claim to the compensation or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to a party not entitled to receive the same, saving always their recourse against such party. 48 V. c. 49, s. 79.

In case of in-
cumbrance.

80. If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable refuses to execute the proper conveyance, or if the party entitled to claim the same cannot be found or is unknown to the trustees, or if for any other reason the trustees deem it advisable, they may pay the arbitration and other expenses, and deposit the amount of the compensation with the county treasurer, or in such other manner as the inspector may direct, with interest thereon for six months, and may deliver therewith an authentic copy of the conveyance, or of the agreement or award if there be no conveyance ; and such agreement or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on an affidavit of one of the trustees verifying the same. 48 V. c. 49, s. 80.

Deposit of
compensation
money.

Award to be
registered.

ALTERATION OF SCHOOL BOUNDARIES.

81. Every township council shall have power,

Union of ex-
isting sections.

1. To pass by-laws to unite two or more sections in the same township into one, in case (at a public meeting in each section called by the trustees or county inspector for that purpose) a majority of the ratepayers present at each such meeting request to be united ;

Alteration,
etc., of school
sections.

2. To alter the boundaries of a school section, or divide an existing section into two or more sections, or to unite portions of an existing section with another section, or with any new

section, in case it clearly appears that all persons to be affected by the proposed alteration, division or union respectively, have been duly notified, in such manner as the council may deem expedient, of the proposed proceeding for this purpose, or of any application made to the council to do so;

3. Any such by-law shall not be passed later than the first day of May in any year, and shall not take effect before the twenty-fifth day of December next thereafter, and it shall be the duty of the township clerk to send forthwith, after such by-law has been passed, a copy of the by-law and minutes relating to the formation or alteration or union to the trustees of every school section affected thereby, and to the public school inspector. 48 V. c. 49, s. 81.

82.—(1) A majority of the trustees, or any five ratepayers of one or more of the school sections concerned, may appeal to the county council of the township in which such section or sections are situated, against any by-law or resolution passed at any time previously by the township council for the formation, division, union or alteration of their school section or school sections, or against the neglect or refusal of the township council (on application being made to it by the trustees, or any five ratepayers concerned) to form, divide, unite or alter the boundaries of a school section or school sections within the township. 48 V. c. 49, s. 82 (1); 50 V. c. 39, s. 14 (1).

Appeal to
County
Council.

(2) The county council may, if it thinks fit, appoint as arbitrators not more than five, or less than three, competent persons (two of whom shall be the County Judge, or some person named by him, and the county inspector), and a majority of whom shall form a quorum to revise, determine or alter the boundaries of the school section or school sections, so far as to settle the matters complained of; but the alterations or determination of the said matters shall not take effect before the twenty-fifth day of December in the year in which the arbitrators so decide, and shall thence continue in full force for the period of five years at least, and until lawfully changed by the township council, but such change shall be subject to the like appeal to the county council; Provided, that where the decision of the arbitrators does not affirm that of the township council, and an application for reconsideration signed by a majority of the ratepayers affected by the decision of the arbitrators, or signed by a majority of the trustees of the section or sections affected by the decision, is delivered to the judge of the County Court within three months of the giving of the decision, the arbitrators may reconsider the matter, and if they think fit may vary such decision, and shall in such case direct at what time the decision as varied shall go into effect, and the five years hereinbefore limited shall in such case be computed from the time when the decision varying the former decision is given. 48 V. c. 49, s. 82 (2); 50 V. c. 39, s. 14 (2).

Appointment
of arbitrators.

Proviso.

Who may
not act as
arbitrators.

(3) No person shall be competent to act as arbitrator, who is a member of the township council, or who was such member at the time at which the council passed or refused or neglected to pass the by-law or resolution.

Notice.

(4) Due notice of the alterations or the determination of the said matters made by the arbitrators shall be given by the inspector to the clerk of the township and to the trustees of the school sections concerned. 48 V. c. 49, s. 82 (3, 4).

Adjustment of
claims
between
unions in same
township.

83. On the formation, dissolution, division or alteration of any school section in the same township, in case the trustees of the sections interested are unable to agree, the county inspector and two other persons appointed by the township council as arbitrators shall value and adjust in an equitable manner all rights and claims consequent upon such formation, division, dissolution or alteration between the respective portions of the township affected, and determine in what manner and by what portion or by whom the same shall be settled; and the determination of the said arbitrators or any two of them shall be final and conclusive. 48 V. c. 49, s. 83.

Disposal of
school pro-
perty when
not wanted.

84. In case a school site or school house or other school property is no longer required in a section, in consequence of the alteration or the union of school sections, the same shall be disposed of, by sale or otherwise, in such a manner as a majority of the ratepayers in the altered or united school sections may decide at a public meeting called for that purpose; and the inhabitants transferred from one school section to another shall be entitled, for the public school purposes of the section to which they are attached, to such a proportion of the proceeds of the sale of such school house or other public school property as the assessed value of their property bears to that of the other inhabitants of the school section from which they have been so separated; and the residue of such proceeds shall be applied to the erection of a new school house in the old school section, or to other public school purposes of such old section. In the case of united sections, the proceeds of the sale shall be applied to the like public school purposes of such united sections. 48 V. c. 49, s. 84.

FORMATION AND DISSOLUTION OF UNION SCHOOL SECTIONS COMPOSED OF PARTS OF TWO OR MORE MUNICIPALITIES.

What unions
may be
formed.

85. A union school section may be formed between (a) parts of two or more adjoining townships; (b) parts of one or more townships and an adjoining town or incorporated village. 48 V. c. 49, s. 85.

Procedure for
formation, al-
teration or
dissolution of
union.

86. The following shall be the procedure for the formation, alteration or dissolution of union school sections:

1. On the joint petition of five ratepayers from each of the municipalities concerned, to their respective municipal councils,

asking for the formation, alteration or dissolution of a union school section, each municipal council so petitioned may appoint an arbitrator (who must not be a member of the council), notice of which shall be sent by the respective clerks to the inspector or inspectors, who shall be *ex officio* arbitrators.

2. In cases where the persons so appointed arbitrators would be an even number, the senior County Court Judge shall be added, or in the case of an arbitration affecting two or more counties, then the senior County Court Judge of the county having the largest population according to the last Dominion census.

3. The first meeting of the arbitrators shall be called by the inspector representing the greatest number of schools and such inspector shall give reasonable notice in writing of such meeting to the clerks of the municipalities concerned.

4. The arbitrators, or a majority of them, shall report to the municipalities concerned upon the expediency of such union, the specific parcels of land to be included in such union, and the proportion in which the part in each municipality shall be liable to contribute towards the erection and maintenance of the school, and other requisite expenses.

5. On the receipt of the report of the arbitrators the council of each municipality shall pass a by-law confirming the same, a copy of which shall be sent by the clerk to the inspector or inspectors concerned. 48 V. c. 49, s. 86 (1-5).

6. The inspector, entitled under sub-section 3 to call the meeting of the arbitrators, shall call the first meeting for the election of trustees, and shall proceed as in section 28 of this Act. 48 V. c. 49, s. 86 (6): 50 V. c. 39, s. 15.

7. Such union shall not take effect until the 25th day of the month of December, which will be at least three months after the passing of such by-laws respectively.

8. On the appointment of arbitrators to consider the alteration or dissolution of a union school section, it shall be the duty of such arbitrators to report to the respective municipalities concerned upon the expediency of such alteration or dissolution, and in the event of their reporting in favour of an alteration or dissolution, they shall at the same time value and adjust in an equitable manner all rights and claims consequent upon such alteration or dissolution between the respective municipalities concerned, and determine in what manner and by what municipality or what portion thereof, the same shall be settled, and the disposition of the property of the union, and any payment by one portion to the other, and such valuation, adjustment and determination, shall form and be considered as an integral portion of their report.

- (a) On the receipt of the report of the arbitrators the council of each municipality shall pass a by-law confirming the same, a copy of which shall be sent forthwith by the clerk to the inspector or inspectors concerned.

9. No alteration or dissolution of a union school shall take effect before the 25th day of December in any year which will be at least three months after the passage of the by-laws respectively.

10. Nothing herein contained shall be construed as restraining any municipal council from enlarging the boundaries of any union school section as may be deemed expedient. 48 V. c. 49, s. 86 (7-10).

Appeal relating to Union school within a county.

87. When the union school section lies wholly within a county the trustees or any five ratepayers in the union section concerned, or the inspector or inspectors, may within six months after the passing thereof appeal in writing to the county council against any by-law passed by the municipalities either for the formation, alteration, or dissolution of such section or against the neglect or refusal of the township council or councils concerned to appoint arbitrators, as provided in section 86 of this Act, and on receipt of such appeal the county council shall have power to appoint not more than three arbitrators, who shall neither be ratepayers in the school section, nor members of the municipal councils concerned, and such arbitrators shall have all the powers of arbitrators appointed under said section 86, and the decision of a majority shall be final and conclusive. 48 V. c. 49, s. 87; 49 V. c. 16, s. 49; 50 V. c. 39, s. 16.

Appeals relating to Union School within two or more counties

88. When the union school section lies partly within two or more counties the trustees or any five ratepayers in the union school section concerned, or the inspector or inspectors, may within six months after the passing thereof appeal against any by-law passed by the municipalities for the formation, alteration or dissolution of such section or against the refusal or neglect of the township council or councils concerned to appoint arbitrators, to the Minister of Education, who shall have power to alter, determine, or confirm such by-law, or where no by-law was passed, then at his discretion to appoint not more than three arbitrators, who shall proceed as provided in section 86 of this Act, and the decision of a majority of them shall be final and conclusive. 48 V. c. 49, s. 88; 49 V. c. 16, s. 49; 50 V. c. 39, s. 17.

Payment to trustees of union school sections.

89. Every union school section composed of the whole or parts of two or more township municipalities, shall be held for all school purposes, as within the township municipality in which the school house is situated, and if there are two or more school houses, then

in the township municipality with the largest amount of assessed property ; and the school rates of such union section shall thenceforth be collected by the respective collectors of the township municipality in which each part of the union section is respectively situate, and the amount collected from the several ratepayers in each part of the union section shall be paid by the respective collectors to the treasurer of the township municipality in which such part of the union section is situate, and such treasurer shall pay over the same without any charge or deduction to the trustees entitled thereto. 48 V. c. 49, s. 89.

90.—(1) The union of part of one or more townships with a town or incorporated village shall be deemed one school section, and as belonging to such town or village, and the provisions of this Act respecting public schools in towns or villages shall apply thereto: and such part of the township for all school purposes, shall be deemed to be united to such town or village. Union parts of townships to be one school section.

(2) In the case of a town or incorporated village divided into wards to which a part of an adjoining township or townships is attached for school purposes, the board of trustees of such union school section shall by resolution determine in which ward or wards the ratepayers in such part shall vote for the election of school trustees and at elections on other school questions, and in case of no such resolution, then such portion of the township shall be considered for all election purposes as attached to the ward or wards adjacent. 48 V. c. 49, s. 90.

91.—(1) Once in every three years the assessors of the municipalities in which a union school section is situated, shall after they have completed their respective assessments and before the first day of July meet and determine what proportion of the annual requisition made by the trustees for school purposes shall be levied upon, and collected from the taxable property of the respective municipalities out of which the union school section is formed, and in the event of the assessors disagreeing as to such proportion the inspector, in whose district the union school section is situated shall name a third person, who with the assessors aforesaid shall determine the said matter and report the same to the clerks of the respective municipalities, and the decision of a majority shall be final and conclusive for the said period of three years. 48 V. c. 49, s. 91 (1); 50 V. c. 39, s. 18. Assessors to determine proportion.

(2) When the union school section is composed of portions of two adjoining counties then on the disagreement of the assessors the inspector of the county concerned containing the greatest number of schools shall name an arbitrator. 48 V. c. 49, s. 91 (2).

Confirmation
of by-laws for
certain pur-
poses.

92. Any by-law passed for the formation, alteration or dissolution of school sections, shall become absolutely legal and valid; and the jurisdiction of any Court to question the same shall be deemed to be ousted when such by-law has been submitted to and confirmed by the Minister of Education, who shall require notice to be given of such application by the parties applying, by advertisement or otherwise, as he may direct, and the certificate of the Minister of Education endorsed on a certified copy of such by-law shall be conclusive evidence of such confirmation, and the provisions of this section may be taken advantage of for the confirmation of any by-law for any of such purposes heretofore passed and not quashed or otherwise declared invalid, and this section shall be deemed to apply to any such by-law. 48 V. c. 49, s. 92.

Continuation
of boundaries
of rural sec-
tions.

93. In case a portion of the territory composing one or more school sections becomes incorporated as a village or town, the boundaries of such school section or sections shall continue in force and be deemed a union school section, notwithstanding such Act of incorporation, until altered as provided in section 86 of this Act. 48 V. c. 49, s. 93.

PUBLIC SCHOOL BOARDS IN CITIES, TOWNS AND INCORPORATED VILLAGES.

First
election of
trustees.

94.—(1) In case any village, town or city, is incorporated, the trustees having jurisdiction over the school property situated within such village, town or city, prior to its incorporation, shall exercise all the powers conferred by this Act upon the trustees of incorporated villages, towns or cities, until a new election of trustees is held, and such trustees shall call a meeting of the ratepayers of such incorporated village, town or city, within one month after the date of such incorporation for the election of a new public school board.

(2) In calling the meeting of the ratepayers of such newly incorporated village, town or city, the provisions of section 98 shall be complied with so far as the same are applicable. 50 V. c. 39, s. 19.

Trustees in
city, &c.,
divided into
wards.

95.—(1) For every ward into which any city, town or incorporated village is divided there shall be two school trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected.

(2) One of the trustees in each ward (to be determined by lot at the first meeting of trustees after their election, which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other shall continue in office one year longer and then retire. 48 V. c. 49, s. 95.

96.—(1) In every incorporated village not divided into wards Trustees in village not divided into wards. there shall be six trustees, each of whom, after the first election for trustees, shall continue in office for two years and until his successor has been elected.

(2) Three of the trustees (to be determined by lot at the first meeting of trustees after their election which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other three shall continue in office one year longer and then retire. 48 V. c. 49, s. 96.

97.—(1) Every trustee shall continue in office until his suc- Term of office. cessor has been elected, and the new board is organized.

(2) Every board of trustees in cities, towns and incorporated villages, elected as provided by this Act, shall be a corporation by the name of "The Public School Board" (prefixing to the words "Public School Board" the name of the city, town or incorporated village for which such trustees are elected), and shall have and possess all the powers usually possessed by corporations, so far as the same are necessary for carrying out the purposes of this Act.

(3) When any town or incorporated village is annexed to a city, the town or incorporated village so annexed shall, for all the purposes of this Act, be deemed to be part of the city. 48 V. c. 49, s. 97; 50 V. c. 39, s. 20.

98. The annual and other elections of public school trustees, Provisions for elections of trustees. unless otherwise ordered, as provided by section 103 of this Act, shall be subject to the following provisions :

1. A meeting of the electors for the nomination of candi- Nominations. dates for the office of public school trustee, shall take place at noon on the last Wednesday in the month of December annually, or if a holiday on the day following, at such place as shall from time to time be fixed by resolution of the public school board, and in municipalities divided into wards, in each ward thereof, if the board in its discretion thinks fit.

2. The public school board shall by resolution name the returning officer or officers to preside at the meeting or meetings for the nomination of candidates, and in case of the absence of such officer, the chairman chosen by the meeting shall preside, and the public school board shall give at least six days' notice of such meeting. Returning Officer.

3. If at the said meeting only the necessary number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding, after the lapse of one hour, shall declare such candidates duly elected, and shall notify the secretary of the public school board; but if two or Proceedings at nominations.

more candidates are proposed for any one office, and a poll in respect of any such office is demanded by any candidate or elector, the returning officer or chairman shall adjourn the proceedings for filling such office until the first Wednesday of the month of January then next, when a poll or polls shall be opened at such place or places, and in each ward, where such exist, as shall be determined by resolution of the said trustees.

Hours of polling.

4. The poll or polls shall be opened at the hour of ten of the clock in the forenoon, and shall continue open until five o'clock in the afternoon, and no longer, and any poll may close at any time after eleven o'clock in the forenoon when a full hour has elapsed without any vote having been polled.

Place for nomination and election.

5. The public school board shall, before the second Wednesday in December in each year, by resolution, fix the place or places for the nomination meeting, and also for holding the election in case of a poll, and also name the returning officers who shall preside at the respective polling places, and forthwith give public notice thereof.

Duty of returning officer after close of election.

6. The returning officer or person presiding shall, on the day after the close of the election, return the poll book to the secretary-treasurer of the public school board, with his solemn declaration thereto annexed, that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer. 48 V. c. 49, s. 98 (1-6).

Duty of Secretary.

7. The secretary-treasurer shall add up the number of votes for each candidate for any office, as appears from the poll book so returned, and shall declare elected, the candidate or candidates having the highest number of votes, and shall forthwith notify the candidates in writing of the number of votes polled for each of them respectively in said election. 48 V. c. 49, s. 98 (7) : 50 V. c. 39, s. 21.

Casting vote.

8. In case two or more candidates have an equal number of votes, the member of the board present at the first meeting thereof after such election and before the organization of the board, who is assessed highest as a ratepayer on the last revised assessment roll, shall give a vote for one or more such candidates, so as to decide the election. 48 V. c. 49, s. 98 (8) ; 50 V. c. 39, s. 22.

Judge of County Court to receive and investigate complaints.

9. The Judge of the County Court, in case any complaint respecting the validity or mode of conducting the election of any trustee of a public school board in any municipality within his county, is made to him within twenty days after such election, shall receive and investigate such complaint, and shall thereupon, within a reasonable time, in a summary manner, hear and determine the same; and may by order

cause the assessment rolls, collector's rolls, poll books, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such person or persons to appear before him as he may deem expedient, and may confirm the said election or set it aside, or order that some other candidate was duly elected; and the Judge may order the person found by him not to have been duly elected to be removed; and in case the Judge determines that any other person was duly elected, the Judge may order him to be admitted; and, in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall order a new election to be held, and shall report such decision to the secretary-treasurer of the public school board.

10. In case of any vacancy in the office of trustee of any public school board arising from any cause, the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy so created, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is filled.

Vacancy in
office of
trustees.

11. The new election shall be conducted in the same manner and be subject to the same provisions as an annual election, and the public school board shall give at least six days' notice of the nomination of candidates, and in case a poll be demanded, the election shall be held one week from the day of said nomination. 48 V. c. 49, s. 98 (9-11).

Proceedings at
new election.

99. In cities and towns divided into wards, and in townships where public school boards exist, the clerk of the municipality shall furnish to the public school board, within three days after request in writing, 'The Voters' List' for each ward of such municipality, annexing thereto a list of the names of persons being supporters of separate schools, and also a list of the names, alphabetically arranged, of all ratepayers and persons entitled to vote in respect of income, rated upon the then last revised assessment roll, and not being already upon 'The Voters' List.' 48 V. c. 49, s. 100.

In cities and
towns divided
into wards,
clerk of municipality
to furnish
'Voters' List'
to Public
School Boards.

100. In towns not divided into wards and in villages, the clerk of the municipality shall furnish to the public school board within three days after request in writing, 'The Voters' List' for each polling subdivision in the case of such town or village, as provided by the last preceding section. 48 V. c. 49, s. 101.

In towns not
divided into
wards, and in
villages, Clerk
to furnish
'Voters' List'
to Trustees.

101. The public school board shall provide each polling place with the list aforesaid, and also a poll book; and, at every election at which a poll is demanded, the returning officer or person presiding, or his sworn poll clerk, shall enter in such book in separate columns the names of the candidates proposed and recorded at the nomination, and shall, opposite to such columns,

Certified copy
of list and a
poll book to be
provided for
each polling
place.
Returns in
poll book.

write the names of the electors offering to vote at the election, and shall, in each column on which is entered the name of a candidate voted for by a voter, set the figure '1' opposite the voter's name, with the residence of the voter, and in case of a poll demanded upon any public school question, the name of each voter shall be similarly placed in separate columns, marked 'for' or 'against.' 48 V. c. 49, s. 102.

Trustees to give notice of annual and special meetings.

102. It shall be the duty of the board to call and give notice of annual and special school meetings of the ratepayers of the city, town or village, or of any ward therein, for filling vacancies in the school trustee corporation, or for any other purpose, in the manner prescribed by this Act. 48 V. c. 49, s. 103.

Elections of trustees on same day as municipal elections.

103.—(1) The board of public school trustees, or the board of education in any city, town, incorporated village or township in which a township board has been established may, by resolution, of which notice shall be given to the clerk of the municipality on or before the first day of October in any year, require the election for the school trustees in such city, town, incorporated village, or township, to be held on the same day, and in the same manner as municipal councillors, or aldermen are elected, as the case may be.

Rev. Stat. c. 184.

(2) In every case in which notice is given as aforesaid the nomination and election of public school trustees shall thereafter be held at the same time and place, and by the same returning officer or officers, and conducted in the same manner as the municipal nominations and elections of aldermen or councillors, as the case may be, and the provisions of *The Municipal Act* respecting the time for opening and closing the poll, the mode of voting, corrupt or improper practices, vacancies, and declarations of office shall *mutatis mutandis* apply to the election of public school trustees.

(3) A separate set of ballot-papers shall be prepared by the clerk of the municipality for all the wards or polling subdivisions, containing the names of the candidates nominated for school trustees, of the same form as those used for councillors, except the substitution of the words "school trustee" for councillors or aldermen, as the case may be, on said ballot papers.

(4) In the list of qualified voters required by section 99 of this Act to be delivered to the returning officer by the clerk of the municipality before the opening of the poll, the clerk shall place opposite the names of any persons on the said list who have been returned to him as supporters of separate schools, the letters S. S. S. (signifying supporters of separate schools), and the returning officers shall not deliver to any such person a ballot paper for public school trustees. 48 V. c. 49, s. 104.

104. There shall be elected annually by the assessed rate-payers thereof in each city, town, incorporated village, or township in which a township board is established, one school trustee for each ward, and in the case of incorporated villages not divided into wards three trustees. 48 V. c. 49, s. 105. Number of trustees.

105. In case any objection is made to the right of any person to vote at any election of school trustees the deputy returning officer shall require the person whose right of voting is objected to, to make the following oath or affirmation:— When voter is objected to.

You swear (or solemnly affirm) that you are the person named, or purporting to be named, in the list (or supplementary list) of voters now shewn to you (*showing the list to voter*); Oath.

That you are a ratepayer;

That you are of the full age of twenty-one years;

That you are a public school supporter;

(*In the case of Municipalities not divided into Wards.*) That you have not voted before at this election, either at this or any other polling place, for school trustee;

(*In the case of Municipalities divided into Wards.*) That you have not voted before at this election, either at this or any other polling place in this Ward for School Trustee;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election: So help you God. 48 V. s. 49, s. 106.

106. Any actual resident ratepayer of the full age of twenty-one years not disqualified under this Act shall be eligible to be elected a public school trustee in any city, town or incorporated village. 48 V. c. 49, s. 107; 50 V. c. 39, s. 23. Who may be elected trustee.

107. The members of every board of school trustees shall hold their first meeting on the third Wednesday in January in each year in which they were elected (or if a board of education then on the first Wednesday in February) at the hour of one o'clock in the afternoon, at the usual place of meeting of such board, and no business shall be proceeded with at such first meeting except the appointment of a chairman and such other business as may be necessary for the organization of such board. 50 V. c. 39, s. 24. First meeting of Board.

108. At the first meeting in each year of every public school board in cities, towns, and villages, and of every board of education, the secretary of such board shall preside, or, if there be no secretary, the members present shall select one of themselves to preside at the election of chairman, and the member so selected to preside may vote as a member. 48 V. c. 49, s. 109. President at first meeting.

Casting vote.

109. In case of an equality of votes at the election of chairman of any such board, the member who is assessed as a rate payer for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member. 48 V. c. 49, s. 110.

Meetings of board.

110. Subsequent meetings of the board shall be held at such times and places as may from time to time be fixed by resolution of the board. 48 V. c. 49, s. 111.

Presiding officer of board.

111. The chairman of the board shall preside, or in his absence any other person appointed to act as chairman by the majority of those present, and such chairman or person so acting may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. 48 V. c. 49, s. 112.

Quorum of School Boards, etc.

112. A majority of the members of such board, when present at any meeting, shall constitute a quorum, and the vote of the majority of such quorum shall be valid to bind the corporation. 48 V. c. 49, s. 113.

Duties of Board.

113. It shall be the duty of the board—

Appointment of secretary and collector.

1. To appoint a secretary and treasurer or secretary-treasurer and one or more collectors, if requisite, of such school fees or rate bills as the board may have authority to charge :

(a) The collector or collectors, and secretary, and treasurer, or secretary-treasurer (who may be of their own number), shall discharge similar duties, and be subject to similar obligations and penalties and have similar powers as the like officers in the municipality ;

To provide accommodation.

2. To provide adequate accommodation, according to the regulations of the Education Department, for all the children between the ages of five and twenty-one, resident in the municipality, as ascertained by the census taken by the municipal council for the next preceding year ; provided always, such residents are not to include the children of persons on whose behalf a separate school or schools have been established under the provisions of *The Separate Schools Act* :

Rev. Stat. c. 227.

To provide school premises, apparatus, prize books and library.

3. To purchase or rent school sites and premises, and to build, repair, furnish, and keep in order the school-houses and appendages, lands, enclosures, and moveable property, and procure registers in the prescribed form, suitable maps, apparatus, and prize books, and, if they deem it expedient, establish and maintain school libraries :

Kind of schools.

4. To determine the number, kind, grade and description of schools (such as male, female, infant, central or ward schools)

to be established and maintained ; the teachers to be employed ; the terms on which they are to be employed ; the amount of their remuneration, and the duties which they are to perform ;

5. To prepare from time to time, and lay before the municipal council of the city, town or village, on or before the first day of August an estimate of the sums which they think requisite for all necessary expenses of the schools under their charge ;

To lay before Councils estimate for moneys.

6. To appoint of their number annually, or oftener if they judge it expedient, and under such regulations as they think proper, a committee of not more than three persons for the special charge, oversight and management of each school within the city, town or village, and to see that all the schools under their charge are conducted according to the authorized regulations ;

To appoint a committee for each school.

7. To collect, at their discretion, from the parents or guardians of children attending any public school under their charge, a sum not exceeding twenty cents per month, per pupil, to defray the cost of text-books, stationery and other contingencies, and to see that all the pupils in the schools are duly supplied with a uniform series of authorized text-books ;

Trustees may collect a fee from parents.

To see that authorized books are used.

8. To submit all accounts, books, and vouchers to be audited by the municipal auditors, and it shall be the duty of such auditors to audit the same ;

To submit accounts to auditors.

9. To give orders on the treasurer of the public school board for all moneys expended for school purposes ;

To give orders for moneys expended.

10. To constitute at their discretion one or more of the public schools of such city to be a model school for the preliminary training of public school teachers therein, subject to the regulations of the Education Department ;

Model Schools for teachers.

11. To publish at the end of every year, in one or more of the public newspapers, or otherwise, the annual report of the auditors, and to prepare and transmit annually, before the first of January, to the Minister of Education, in the form prescribed by him, a report signed by the chairman, containing all information required by the regulations of the Education Department ; 48 V. c. 49, s. 114 (1-11).

To publish auditors' report.

To prepare annual report for Minister.

12. Every public school board in a city, town or incorporated village, shall have the same power to take and acquire land for a school site or for enlarging school premises already held, as the trustees of rural schools ; and shall have the same powers in regard to school property generally as are conferred upon the trustees of rural schools by sub-section 9 of section 40 of this Act, and all such powers may be exercised with or without a vote of the ratepayers : Provided always that vacant land only shall be taken in such city, town or village for a school site without the consent of the owner

School sites.

Exceptions.

and in the event of disputes between the owner of the land selected and the trustees, sections 64 to 72 of this Act shall apply, save and except that in the case of cities and towns, the city or town inspector shall replace the county inspector as arbitrator; 48 V. c. 49, s. 114 (12); 50 V. c. 39, s. 26.

Kindergarten
schools.

13. To provide if deemed expedient for children between three and five years of age a course of instruction and training according to the methods practised in kindergarten schools, subject however to the regulations of the Education Department in that behalf;

Dismissal of
refractory
pupils.

14. To dismiss from the school any pupil who shall be adjudged so refractory by the trustees (or by a majority of them) and the teacher that his presence in school is deemed injurious to the other pupils, and, where practicable, to remove such pupil to an industrial school. 50 V. c. 39, s. 25.

SCHOOL CENSUS.

Census.

114. The municipal council of every township, city, town and incorporated village, shall cause the assessor or assessors in preparing his or their annual assessment roll, to set down therein in separate columns, the number of children between the ages of five and twenty-one, and also the number between the ages of seven and thirteen, opposite the name of each person on the assessment roll who are resident with him, and the clerk of the municipality shall furnish the secretary-treasurer of each section, or the secretary of the board of trustees for the city, town or incorporated village (as the case may be), and the public school inspector with a statement of the total number of children aforesaid in each school section, or in the city, town or incorporated village (as the case may be). 48 V. c. 49, s. 115.

List of names
of children.

115. In the case of cities, towns and incorporated villages, it shall also be the duty of the assessor or assessors, when required by resolution of the board of trustees, notice of which shall be given to the clerk of the municipality on or before the first day of January to enter in a book, to be provided for the purpose by the trustees in Form B, the names of all children in the municipality between the ages of seven and thirteen, and to return the same to the secretary of the board of trustees at the time fixed for the return of the assessment roll. 48 V. c. 49, s. 116.

Clerk to give
copy of assess-
ment to
inspector.

116. The clerk of every municipality shall also, upon request, and free of any charge, furnish the public school inspector with a true statement of the assessed value of each school section as shewn by the revised assessment roll for that year, and also of the several requisitions of the trustees for school moneys. Such clerk shall be entitled to reasonable payment from the council for the above mentioned services. 48 V. c. 49, s. 117.

SCHOOL ASSESSMENT.

117.—(1) The municipal council of every township may levy and collect by assessment, upon the taxable property of the public school supporters of the township, in the manner provided by this Act, and by the municipal and assessment Acts, the sum of \$100 for every public school section therein in which a public school has been kept open the whole year exclusive of vacations (a proportionate sum being levied for a shorter term, and an additional sum of \$50 for each additional teacher employed the whole year), and also shall collect on the taxable property in each section such other sums as may be required by the trustees thereof for school purposes: Township council to levy sums required for school purposes. Provided that where the township municipality is composed of a union of townships, the said sum of \$100 shall be levied on the taxable property of the township wherein such school is situated, and so much of the remaining township as is embraced in the said school section. Provide.

(2) In the case of union school sections the municipal council of each municipality of which the union school section is composed shall levy and collect upon the taxable property of the township the said sum in the proportion which the assessment of the part of such union school within the municipality bears to the whole assessment of such union school section, as equalized under section 91 of this Act.

(3) Provided that where all the municipalities, out of which a union school section is formed, do not avail themselves of the provisions herein contained, then any sum levied for any union school section shall be considered a part of the annual requisition of the trustees for that portion of the union school section situated in the municipality or municipalities acting under the provisions of this section. 48 V. c. 49, s. 118.

118. The municipal council of every city, town and incorporated village shall levy and collect upon the taxable property within the municipality, in the manner provided in this Act, and in the municipal and assessment Acts, such sums as may be required by the public school trustees for school purposes, subject to section 133 of this Act. 48 V. c. 49, s. 119. City, town or village council to levy sums required for school purposes.

119. Where the land or property of any individual or company is situated within the limits of two or more school sections, each assessor appointed by any municipality shall assess and return on his roll, separately, the parts of such land or property, according to the divisions of the school sections within the limits of which such land or property is situate. 48 V. c. 49, s. 120. Assessors to value lands situated in each section.

120.—(1) The assessor or assessors of every municipality shall set down the religion of the person taxable, distinguishing be- Duty of assessors.

Rev. Stat. c.
227.

Statement as
to religion.

Court of Re-
vision to
decide.

Rev. Stat. c.
193.

Collector's roll
—further
columns,

Return show-
ing rating of
Separate
School
supporters.

Occupant
primarily
liable for
school rates.

tween Protestant and Roman Catholic, and whether supporters of public or separate schools; but nothing herein contained shall be deemed to interfere with the rights of separate school trustees under *The Separate Schools Act*.

(2) The assessor shall accept the statement of, or made on behalf of, any ratepayer, that he is a Roman Catholic, as sufficient *prima facie* evidence for placing such person in the proper column of the assessment roll for separate school supporters, or if the assessor knows personally any ratepayer to be a Roman Catholic this shall also be sufficient for placing him in such last mentioned column.

(3) The Court of Revision shall try and determine all complaints in regard to persons in these particulars alleged to be wrongfully placed upon or omitted from the roll (as the case may be), and any person so complaining, or any elector of the municipality, may give notice in writing to the clerk of the municipality of such complaint, and the provisions of *The Assessment Act*, in reference to giving notice of complaints against the assessment roll, and proceedings for the trial thereof, shall likewise apply to all complaints under this section of this Act. 48 V. c. 49, s. 121.

121. The clerk of every municipality, in annually making out the collector's roll, shall place columns therein, so that under the head of "*School Rate*," the public school rate may be distinguished from the separate school rate, and also under "*Special Rate for School Debts*," shall distinguish between public and separate school purposes, and the proceeds of any such rate shall be kept distinguished by the collector, and accounted for accordingly. 48 V. c. 49, s. 122.

122. The clerk of any municipality in which any separate school section or part of a section is situate, shall, not later than the first day of December in each year, make out and transmit to the county school inspector a statement shewing whether or not any county rate for public school purposes has been placed upon the collector's roll against supporters of separate schools, and if such rate has been so placed upon the roll, giving a list of such supporters with the amount so rated against each and the total amount so rated. 48 V. c. 49, s. 123.

123. In any case where under section 20 of *The Assessment Act* land is assessed against both the owner and occupant, or owner and tenant, then such occupant or tenant shall be deemed and taken to be the person primarily liable for the payment of school rates and for determining whether such rates shall be applied to public or separate school purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves shall be allowed to alter or affect this provision otherwise, and in any case where as

between the owner and tenant or occupant, the owner is not to pay taxes, if by default of the tenant or occupant to pay the same, the owner is compelled to pay any such school rate, he may direct the same to be applied to either public or separate school purposes. Where the public school rate and the separate school rate are not the same, if the owner is compelled to pay a school rate in consequence of the default of the tenant to pay the same, he shall only be liable to pay the amount of the school rate of the schools to which in virtue of his right in this behalf he directed his money to be paid. 48 V. c. 49, s. 124; 50 V. c. 39, s. 27.

124. Any person residing in one school section or division, and sending his children to the school of a neighbouring one, shall, nevertheless, be liable for the payment of all rates assessed on his taxable property for the school purposes of the section or division in which he resides, as if he sent his children to the school of such section or division. 48 V. c. 49, s. 125.

A resident of one section sending his children to another section.

125. All sums levied and collected by the municipal council of any township for school purposes shall be paid over to the secretary-treasurer of the board of trustees, without any deduction whatever, on or before the fifteenth day of December in each year. 48 V. c. 49, s. 126.

School moneys when to be paid over.

126. The secretary-treasurer shall pay on the order of the board of trustees all sums of money due and payable for teachers' salaries, and all other school purposes. 48 V. c. 49, s. 127.

Payments to be made by treasurer.

127. The clerk of every township shall within one week after the first day of May in each year, under a penalty of \$20 in case of default, make a return to the clerk of his county of the total expenditure of the township on account of schools and education. 48 V. c. 49, s. 128.

Return to County Clerk.

128. It shall be the duty of every county clerk to furnish the Minister with a copy of the minutes of the council relating to school assessments and other educational matters, and to transmit to the Minister, on or before the first day of March in each year, a certified copy in the form provided, of the abstract of the report of the auditors. 48 V. c. 49, s. 129.

Clerk to transmit Minutes of Council, etc., to Minister.

SCHOOL DEBENTURES.

129.—(1) On the application of any board of rural school trustees for the issue of debentures for the purchase of a school site or sites, for the erection of a school-house or school-houses, or for the purchase or erection of a teacher's residence, the municipal council of the township shall pass a by-law for the said purpose, and shall forthwith

Township school debentures.

issue a debenture or debentures to be repayable out of the taxable property of the school section concerned, and subject to the limitations contained in this Act.

Restriction of rate. (2) The municipal council of any township shall not borrow, or levy, or collect any rate for any sum of money for any of the purposes mentioned in this section, unless the proposal for the same has been submitted by the trustees to and approved of at a special meeting of the duly qualified school electors of the section, called for the purpose. 48 V. c. 49, s. 130.

Submission of question to vote of electors. **130.** Where the application is made by a township board, and where the municipal council by a two-thirds vote refuse to raise or borrow the sum required then the question shall be submitted by the municipal council, if requested by the school board, to the vote of the electors of the municipality in the manner provided by *The Municipal Act* for the creating of debts, and in the event of the assent of the electors being thereby obtained, then it shall be the duty of such council to raise or borrow such sum. 48 V. c. 49, s. 131.

Liability for loan. **131.** Notwithstanding any alteration which may be made in the boundaries of any school section, the taxable property situated in the school section at the time when such loan was effected, shall continue to be liable for the rate which may be levied by the township council for the repayment of the loan. 48 V. c. 49, s. 132.

Council not to levy more than one rate except in certain cases. **132.** No township council shall levy or collect in any school section during any one year more than one school section rate except for the purchase of a school site, or for the erection of a school-house. 48 V. c. 49, s. 133.

Council may refuse to raise money for school site, etc. **133.**—(1) Where a public school board requires the municipal council of a city, town, or incorporated village to raise or borrow a sum of money for the purchase of a school site, or the erection or purchase of any school-house or addition thereto, or for the purchase or erection of a teacher's residence, and where the municipal council, by a two-thirds vote, refuse to raise or borrow the sum proposed, then such question shall be submitted by the municipal council, if requested by the school board, to the vote of the electors of the municipality who are supporters of public schools in the manner provided by *The Municipal Act* for the creating of debts, and in the event of the assent of the municipal electors being thereby obtained, then it shall be the duty of such council to raise or borrow such sum. 48 V. c. 49, s. 134.

(2) Nothing in this section contained shall be construed to mean that the municipal council may not, if deemed expedient, without submitting the same to a vote of the ratepayers of such municipality, as required by *The Municipal Act*, for the creating of debts, pass a by-law for the purpose of raising or

borrowing money, on the requisition of the public school board, for any of the purposes named in this section. 50 V. c. 39, s. 28.

134. Any rural school corporation may, with the consent of the ratepayers of their school section first had and obtained at a special meeting duly called for that purpose, by resolution authorize the borrowing from any municipal corporation of any surplus moneys derived from the Ontario municipalities fund, or from any other source, for such term and at such rate of interest as may be set forth in such resolution, for the purpose of purchasing a school site or school sites, or erecting a school house or school houses; and any sum or sums so borrowed shall be applied to that purpose, and to that only. 48 V. c. 49, s. 135.

School corporations may borrow surplus moneys.

135. Any debenture issued by any municipality for school purposes shall be in the form given by this Act, for such term of years as the council may see fit, not exceeding twenty years, and the municipal council may also in its discretion make the principal and interest of such debt repayable by annual or other instalments, in the manner provided in section 342 of *The Municipal Act*. 48 V. c. 49, s. 136.

Form and term of debenture.

Rev. Stat. c. 184.

LEGISLATIVE GRANT.

136. All sums of money voted by the Legislative Assembly for the support of public and separate schools shall be apportioned annually on or before the first day of May by the Minister of Education to the several counties, townships, cities, towns, and incorporated villages according to the population in each as compared with the whole population of Ontario, as shewn by the last annual returns received from the clerks of the respective counties, cities and towns separated from a county, of which apportionment due notice shall be given to the clerks of the municipalities concerned. 48 V. c. 49, s. 137.

Apportionment of Grant.

137. The sum of money annually apportioned by the Minister of Education to every county, township, city, town or village in aid of public schools therein respectively, shall be payable by the Provincial Treasurer on or before the first day of July in every year to the treasurer of every county, city, town and village in such way as the Lieutenant-Governor from time to time directs. 48 V. c. 49, s. 138.

Grant payable on the first of July in each year.

138. No county, city, town or village shall be entitled to a share of the legislative school grant without raising by assessment a sum at least equal (clear of all charges for collection) to the share of the said school grant apportioned to it. 48 V. c. 49, s. 139.

Conditions of receiving share of grant.

Deduction if equivalent not raised by the municipality.

139. Should the municipal corporation of any county, city, town or village, raise in any one year a less sum than that apportioned to it out of the legislative school grant, the Minister of Education shall deduct a sum equal to the deficiency from the apportionment to such county, city, town or village in the following year. 48 V. c. 49, s. 140.

Clerks to make returns of population.

140. The clerk of every county shall make a return to the Minister of Education shewing the population of each minor municipality within the county, and the clerk of every city and town separated from a county shall make a return shewing the population of such city or town, as shewn by their respective assessment rolls for the previous year, said returns to be made on or before the first day of April in each year. 48 V. c. 49, s. 141.

To raise equivalent to Legislative school grant.

141. The county council shall cause to be levied yearly upon the several townships of the county, such sums of money for public school purposes as shall be at least equal (clear of all charges of collection) to the amount of school money apportioned by the Minister of Education to the several townships of the said county for the year, such sums to be payable to the township treasurer on or before the fourteenth day of December in each year, and the county treasurer shall, on or before the twentieth day of December in each year, pay out of the school assessment of the county into the hands of the treasurers of the respective townships within the county, the proportionate assessment levied in their respective municipalities; and for all school purposes in townships the township treasurers shall be considered sub-treasurers of the county treasurer; provided always that the county council may by by-law constitute the county treasurer, the sub-treasurer for such municipalities within the county as may be deemed expedient. 48 V. c. 49, s. 142.

Increase of sums levied on townships.

142. The county council may increase the sums of money levied yearly upon the several townships for the payment of teachers' salaries, or on the recommendation of one or more county inspectors, to give special or additional aid to new or poor school sections. 48 V. c. 49, s. 143.

Distribution into sections and divisions.

143. The county inspector shall, half yearly, unless otherwise instructed by the Minister of Education, distribute among the school sections and divisions under his jurisdiction their respective portions of the public grant voted by the Legislative Assembly or raised by county rate within the townships under his charge according to the ratio of the average attendance of pupils at each public school as compared with the whole average number of pupils attending the public schools of every such township, and all such sums shall be payable by the township treasurer to the order of the trustees on the inspector's order. 48 V. c. 49, s. 144.

144.—(1) The county inspector shall, before distributing the county rate among the public school sections, deduct the amount certified to him by the clerk of any municipality in which any separate school section or part of a section is situate, according to the list given by such clerk, of the supporters of separate schools against whom the county rate for public school purposes has been placed, and the amount so rated against each and the total amount so rated, and shall give the trustees of the separate school section an order on the county treasurer or sub-treasurer for the amount thereof, and it shall be the duty of such treasurer or sub-treasurer to pay over the same.

Separate School amounts to be deducted.

(2) Notwithstanding the non-payment to the county treasurer by the fourteenth day of December, of the school assessment levied in the county, no teacher shall be refused the payment by the county treasurer or sub-treasurer of the sum to which on the inspector's order he may be entitled from such year's county school assessment. 48 V. c. 49, s. 145.

Teachers salaries to be paid, though assessment not paid to County Treasurer.

LIABILITY FOR SCHOOL MONEYS.

145. The council of every county, city and town shall be responsible to Her Majesty, and to all other persons interested, that all moneys coming into the hands of the treasurer of the county, city or town, in virtue of his office, shall be by him duly paid over and accounted for, according to law. 48 V. c. 49, s. 146.

Council responsible to Her Majesty, and to all other persons interested, that all moneys coming into the hands of the Treasurer, etc.

146. The treasurer and his sureties shall be responsible and accountable for such moneys in like manner to the county, city or town, and any bond or security given by them for the duly accounting for and paying over moneys coming into his hands, belonging to the county, city or town, shall be taken to apply to all public school moneys, and may be enforced against the treasurer or his sureties, in case of default on his part. 48 V. c. 49, s. 147.

Treasurer, etc., responsible to county, city or town, and any bond or security given by them for the duly accounting for and paying over moneys coming into his hands, belonging to the county, city or town, shall be taken to apply to all public school moneys, and may be enforced against the treasurer or his sureties, in case of default on his part.

147. The bond of the treasurer and his sureties shall apply to school moneys, and all public moneys of the Province, and, in case of any default, Her Majesty may enforce the responsibility of the county, city or town, either by stopping a like amount out of any public moneys payable to the county, city or town, or to the treasurer thereof, or by action against the corporation. 48 V. c. 49, s. 148.

Bonds to apply to school moneys, etc.

148. Any person aggrieved by the default of the municipal treasurer may recover from the corporation of any city, county or town, the amount due or payable to such person as money had and received to his use. 48 V. c. 49, s. 149.

City, etc., responsible for default of Treasurer, etc.

Trustees acting under by-laws not liable.

149.—(1) Trustees shall not be liable to any prosecution, or the payment of any damages, for acting under any by-law of a municipal council before it has been quashed.

(2) In case a by-law, order or resolution of a municipal council is illegal, in whole or in part, and in case anything has been done under it, which by reason of the illegality gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring such action has been given to the corporation.

(3) Every such action shall be brought against the municipal corporation alone, and not against any person acting under the by-law, order or resolution. 48 V. c. 49, s. 150.

SUB-TREASURERS.

Sub-Treasurer's duties, etc.

150. Every sub-treasurer shall be subject to the same responsibilities and obligations in respect to the accounting for school moneys, and the payment of lawful orders for such moneys given by any county inspector as are imposed by this Act upon every county treasurer, in respect to the paying and accounting for school moneys. 48 V. c. 49, s. 151.

TEACHERS.

Valid agreements with teacher.

151. All agreements between trustees and teachers, to be valid and binding, shall be in writing, signed by the parties thereto, and sealed with the corporate seal of the trustees, and such agreements may lawfully include any stipulation to provide the teacher with board and lodging. 48 V. c. 49, s. 152.

Qualified teacher defined.

152. No teacher of a public school shall be deemed legally qualified, who does not at the time of his engaging with the trustees, and during the period of such engagement, hold a legal certificate of qualification. 48 V. c. 49, s. 153.

Duties of Public School teacher.

153. It shall be the duty of every teacher of a public school—

To teach according to law.

1. To teach diligently and faithfully all the branches required to be taught in the school, according to the terms of his engagement with the trustees, and according to the provisions of this Act and the regulations of the Education Department ;

To keep the register of the school.

2. To keep in the prescribed form the general, entrance, and the daily class, or other registers of the school, and to record therein the admission, promotion, removal, or otherwise of the pupils of the school ;

To maintain order and discipline.

3. To maintain proper order and discipline in his school, according to the prescribed regulations ;

4. To keep a visitors' book (which the trustees shall provide) and enter therein the visits made to his school, and to present said book to every visitor, and request him to make therein any remarks suggested by his visit ;

To keep a visitors' book.

5. To give the trustees and visitors access at all times, when desired by them, to the registers and visitors' book appertaining to the school ;

To give access to register and visitors' book.

6. To deliver up any school registers, visitors' book, school-house key, or other school property in his possession, on the demand or order of the majority of the corporation employing him ;

Deliver up registers and key.

7. In case of his wilful refusal so to do he shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the said trustees ;

In case of refusal.

8. To hold during each term a public examination of his school, of which he shall give due notice to the trustees of the school, to any school visitors who reside in or adjacent to the school, and through the pupils to their parents or guardians ;

To hold public quarterly examinations.

9. To furnish to the Minister of Education, or to the school inspector, from the trustees' report or otherwise, any information which it may be in his power to give respecting anything connected with the operations of his school, or in any wise affecting its interests or character ;

To furnish information to the Minister and Inspector.

10. To prepare, so far as the school registers supply the information, such reports of the corporation employing him as are required by the regulations of the Education Department. 48 V. c. 49, s. 154.

To prepare reports.

11. To notify the medical health officer of the municipality, or where there is none to notify the local board of health, whenever he has reason to believe that any pupil attending school is affected with or exposed to small-pox, cholera, scarlatina, diphtheria, whooping-cough, measles, mumps, or other contagious disease, and to prevent the attendance of all pupils so exposed, or suspected of being exposed, until furnished with the written statement of the health officer, or of the local board of health, or of a physician, that such contagious diseases did not exist, or that all danger from exposure to any of them had passed away. 50 V. c. 39, s. 29.

To take precautions against spread of infectious diseases.

154. Every qualified teacher of a public school employed for any period not less than three months shall be entitled to be paid his salary in the proportion which the number of teaching days during which he has taught in the calendar year bears to the whole number of teaching days in such year. 48 V. c. 49, s. 155 ; 50 V. c. 39, s. 30.

Proportion of salary to which teacher entitled.

Provision in case of difference between teacher and trustees.

155. All matters of difference between trustees and teachers, in regard to salary or other remuneration, shall be brought and decided in the Division Court by the Judge of the County Court in each county, subject to an appeal, as provided by this Act. 48 V. c. 49, s. 156.

Issue of execution.

156. In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of this Act, and not appealed from, execution may issue from time to time to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder. 48 V. c. 49, s. 157.

Case of sickness.

157. In case of sickness, certified by a medical man, every teacher shall be entitled to his salary during such sickness, for a period not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees. 48 V., c. 49, s. 158.

Four weeks allowed.

Protection of teachers in regard to salary.

158. Every teacher shall be entitled to be paid at the rate mentioned in his agreement with the trustees, even after the expiration of the period of his agreement, until the trustees pay him the whole of his salary as teacher of the school, according to their engagement with him, provided always that an action must be commenced within three months after such salary is due and payable by the trustees. 48 V. c. 49, s. 159.

CERTIFICATES.

Three classes of certificates.

159. Every certificate to teach a public school shall be ranked as of the first, second, or third class, and shall be issued under the regulations of the Education Department, only to such persons as (a) furnish satisfactory proof of good moral character, (b) and, if males, are at least eighteen years of age, or if females, seventeen years of age, (c) and are natural born or naturalized subjects of Her Majesty, and (d) pass the examinations prescribed by the Education Department. 48 V. c. 49, s. 160.

First and second class certificates.

160. Every certificate issued under this Act shall entitle the holder thereof to teach a public school in any municipality in the Province, but only those of the first and second class shall be valid during good behaviour. 48 V. c. 49, s. 161.

The same.

161. First and second class certificates of qualification shall be granted to teachers by the Minister of Education on the report of the central committee of examiners, and third class certificates shall be granted by the county board of examiners according to the regulations of the Department. 48 V. c. 49, s. 162.

162. Third class district certificates may be granted, subject to the regulations of the Education Department, to be valid only in the territorial and remote districts following, namely: Rainy River, Thunder Bay, Nipissing, Algoma, Parry Sound, Muskoka, Haliburton, and the counties of Victoria, Peterborough and Hastings, and all counties lying east thereof. The board of examiners for any such district certificate shall consist of the Judge (where one) and Stipendiary Magistrate, with the inspector (if any) in the territorial and other districts; and in counties, of the county board of examiners. 48 V. c. 49, s. 163.

Third class district certificates.

163.—(1) Upon passing the requisite examination, special certificates of the first and second class may be issued by the Minister of Education to any person who has been trained at any normal school or other training institution for teachers, or who has been duly certified or licensed by any recognized body as a school teacher in any part of the British Dominions, and such certificate shall be valid in any part of the Province until revoked.

Certificates to students of Normal Sch. ol., etc., in British dominions.

(2) All certificates of qualification of teachers granted before the fifteenth day of February, in the year 1871, shall remain in force in their respective municipalities on the terms and conditions of the Act under which they were granted; and upon their ceasing to be valid, as provided by law, other than by the confirmation of their suspension, they may be renewed from time to time under the regulations of the Education Department.

Former certificates continued.

(3) Every public school teacher's first-class certificate issued under the school laws of this Province by a county board, before the fifteenth day of February, 1871, and now legally valid in any city or county, shall be valid in any municipality in the Province during the good behaviour of the holder thereof.

Same subject.

(4) Every public school teacher's second-class certificate issued before such time, and under like authority, and now legally valid, as aforesaid, shall (when such teacher has taught for a period of not less than ten years in Ontario) continue to be valid during good behaviour in such county or city. 48 V. c. 49, s. 164.

Same subject.

164. The inspector of public schools may suspend the certificate of any teacher under his jurisdiction for inefficiency, misconduct, or a violation of the regulations of the Education Department or of this Act. In every case of suspension, he shall notify in writing the trustees concerned, and the teacher, of the reasons for such suspension. 48 V. c. 49, s. 165.

Suspension of certificate for misconduct, etc.

165. Any teacher who enters into an agreement at common law with a board of trustees, and who wilfully neglects or refuses to carry out such agreement shall, on the complaint

Suspension of certificate for breach of agreement.

of any board of school trustees, be liable to the suspension of his certificate by the inspector under whose jurisdiction he may be for the time being. 48 V. c. 49, s. 166.

Suspension to be reported.

166. When the teacher whose certificate is suspended holds a certificate issued by the Chief Superintendent or Council of Public Instruction, or by the Education Department or Minister of Education, the inspector shall forthwith report to the Minister of Education, and such suspension shall continue until the case is decided by the Minister. 48 V. c. 49, s. 167.

Same subject.

167. When the teacher holds a certificate granted by a county board of examiners, the inspector shall forthwith call a meeting of such county board of examiners for the consideration of the suspension, of which due notice shall be given to the teacher concerned, and the decision of such board shall be final. 48 V. c. 49, s. 168.

COUNTY BOARDS.

To examine teachers and give certificates.

168. The county council of each county shall appoint a board of examiners, (a majority of whom shall form a quorum,) consisting of the inspector or inspectors having jurisdiction within the county or any part thereof, and not more than two other competent persons whose qualifications shall be prescribed from time to time by the Education Department, for the purpose of granting third class certificates of qualification to candidates as teachers of public schools, according to the regulations of the Education Department, and for such other purposes as may be prescribed by this Act. 48 V. c. 49, s. 169.

Additional examiners.

169. Where deemed necessary from the general use of the French or German language, it shall be lawful for the county council to appoint two additional examiners for the purpose of conducting examinations in either of the languages aforesaid, of such candidates as may present themselves for certificates to teach a public school, subject to the regulations of the Education Department. 48 V. c. 49, s. 170.

170. It shall be the duty of the county council—

Examination rooms.

1. To provide, upon the application of the inspector, suitable rooms for holding the examination of public school teachers in the county ;

Expenses of examination.

2. To pay the examiners for their time, travelling, and other expenses such a sum as would be at least equal to the per diem allowance paid members of the county council ; (b) to pay all the incidental expenses of the examination and (c) such remuneration to the secretary of the board as the county council may deem just and expedient. 48 V. c. 49, s. 171.

171. One examination per annum shall be held in each county or union of counties for the granting of public school teachers' third class certificates, and every certificate of qualification issued by any board of examiners shall have the signature of at least one inspector of schools. 48 V. c. 49, s. 172.

Only one examination for third class certificates to be held yearly. Signature on certificates.

172. Where there are two inspectors in any county, the county council may authorize and direct a separate examination to be held in each division of the county. 48 V. c. 49, s. 173.

Examination in each division.

COUNTY MODEL SCHOOLS.

173. The board of examiners shall, under the regulations of the Education Department and subject to the approval of the Minister of Education, set apart at least one school in each county as a county model school for the training of candidates for third class teachers' certificates, and the county council shall provide and levy in each year, in aid of each county model school, within the limits of the county an amount at least equal to the amount apportioned or paid by the Education Department, in support of county model schools out of any grant annually voted by the Legislature for that purpose, but the amount to be provided by the county council shall not be less than the sum of \$150 in one year, and the county council may, if it sees fit, provide a larger amount of aid. 48 V. c. 49, s. 174.

One school in each county to be a county model school.

TEACHERS' INSTITUTES.

174. It shall be lawful for the Minister of Education to apportion out of any moneys voted by the Legislative Assembly for the training of teachers the sum of \$25 for every teachers' institute established under the regulations of the Education Department, and it shall be the duty of the county or city council of each city or county to pay to the order of the president of each such institute within the county or city a sum at least equal to the amount so apportioned by the Minister of Education. 48 V. c. 49, s. 175.

Apportionment of funds to Teachers' Institutes.

INSPECTORS.

175. No person shall be eligible to be appointed an inspector who does not hold a legal certificate of qualification as inspector, granted according to the regulations of the Education Department, and no person who is a teacher or trustee of any public, high or separate school shall be eligible for an appointment as inspector so long as he remains such teacher or trustee. 48 V. c. 49, s. 176.

Qualification for appointment as inspector.

176. (1) Each county council shall appoint one or more persons, holding legal certificates of qualification, inspector or

Number of inspectors.

inspectors of the public schools of such county, providing always that one inspector shall not have charge of more than one hundred and twenty schools or less than fifty.

(2) It shall not be necessary to appoint more than one inspector in each riding of a county.

French or
German.

(3) In counties containing any municipality wherein the French or German language is the common or prevailing language, an inspector may have charge of any number of schools not less than forty.

Counties may
appoint addi-
tional inspec-
tors and
change In-
spectors.

(4) In counties where there are more than fifty public schools, the county council may appoint two or more inspectors, and prescribe and number the territorial limits of each, and change or remove the inspectors from one circuit or riding of the county to another. 48 V. c. 49, s. 177.

The Clerk to
notify ap-
pointment.

177. The county clerk shall notify the Minister of Education of the appointment and address of every county inspector. 48 V. c. 49, s. 178.

Warden may
supply vacan-
cies in the
office of in-
spectors.

178. In the event of a vacancy occurring in the office of county inspector, the warden of the county within which such inspector held office may appoint, from the list of those legally qualified, a fit and proper person to the office vacated, until the next ensuing meeting of the county council. 48 V. c. 49, s. 179.

Lieut.-Govern-
nor to form
remote dis-
tricts for in-
spection.

179. The Lieutenant-Governor in Council may constitute any number of municipalities or other portions of territory, in the rear or remote parts of counties, and in judicial or territorial districts, to be a district or districts for the purposes of school inspection under this Act, upon such terms, and subject to such regulations as the Lieutenant-Governor in Council may from time to time determine, and the county or provisional council concerned, shall provide their proportionate share of the salary of the inspector, and also of his travelling expenses. 48 V. c. 49, s. 180.

Conditions of
dismissal of
Inspector.

180. Every county inspector shall, in case of misconduct or inefficiency, be subject to dismissal by the Lieutenant-Governor, or by a majority of the members of the council appointing him, or without such cause by a vote of two-thirds of such council, and no such inspector shall be re-appointed without the concurrence of the party who dismissed him. 48 V. c. 49, s. 181.

Additional
allowance by
Lieutenant-
Governor.

181. It shall be lawful for the Lieutenant-Governor to direct the payment, out of the Consolidated Revenue Fund, of a sum, not exceeding \$5 per school per annum, to each county inspector, and the county council shall pay quarterly at the rate of not less than an equal amount per school, and in addi-

tion thereto the reasonable travelling expenses of such county inspector, the amount to be determined by the county council. 48 V. c. 49, s. 182.

182. Any inspector, or other duly qualified person, appointed to inspect schools in new and remote townships, or to take charge of a special examination for teachers, or to advise and encourage settlers to establish schools, under the regulations and with the aid provided by law, or to report on any school matter, shall be entitled to such additional or other remuneration out of any moneys appropriated by the Legislature or county council for that purpose, as may be deemed just and equitable, considering the nature and extent of the duties to be performed. 48 V. c. 49, s. 183.

Additional remuneration to Inspectors in new Districts.

183. It shall be the duty of every county inspector—

1. To visit every public school within his jurisdiction once in each term, unless required to do so oftener by the county council which appointed him, or for the adjustment of disputes or other purpose, and to see that every school is conducted according to law and the regulations of the Department;

To visit each school once a term.

2. To examine at his visits of inspection, into the condition of the school, as respects the progress of the pupils in learning; the order and discipline observed; the system of instruction pursued; the mode of keeping the school registers; the average attendance of pupils; the character and condition of the building and premises; and to give such advice to the teachers, pupils and officers of the school as he may judge proper;

Examine the state of the school.

3. To deliver from time to time, under regulations prescribed by the Minister of Education, a public lecture or lectures in his county or division, on some subject connected with the objects, principles, and means of practical education;

Deliver lectures.

4. To withhold his order for the amount apportioned from the legislative or municipal grant to any school section:

To withhold order for grant in certain cases.

(a) When the school was kept open for less than six months in the year;

(b) When the trustees failed to transmit the annual or semi-annual school returns properly filled up;

(c) When the trustees fail to comply with the school Act, or the regulations of the Education Department;

(d) When the teacher uses, or permits to be used, as a text book any book not authorized by the Education Department.

5. In every case where, from any cause, the school grant is withheld, to report to the trustees and to the Education Department:

To give information and report to Minister.

6. To give any information in his power, when desired, to the Minister of Education, respecting any public school matter within his jurisdiction, and to prepare and transmit to the Minister of Education on or before the first day of March, an annual report in the form provided by the Education Department;

Aid to poor schools.

7. To recommend to the county or township council such special or additional aid as he may deem advisable to be given to new or needy school sections in the county;

Deliver up papers on retiring from office.

8. To deliver over to his successor, on retiring from office, copies of his official correspondence, and all school papers in his custody, on the order of the county council or public school board, as the case may be;

Call special meeting.

9. To appoint, in his discretion, the time and place for a special school meeting, at any time, for any lawful purpose;

May give temporary certificates to teachers.

10. To give at his discretion any candidate, on due examination, according to the programme authorized for the examination of teachers, and subject to the regulations of the Education Department, a certificate of qualification to teach a school within the limits of the charge of such inspector until (but no longer than) the next regular meeting of the board of examiners of which such school inspector is a member. 48 V. c. 49, s. 184.

Appointment of inspector.

184. The public school board of every city or town shall from time to time appoint an inspector from those possessing the requisite qualification, who shall receive such remuneration as the board may determine, and be subject to dismissal by a majority of the members of the board, in case of inefficiency or misconduct, or by a vote of two-thirds of the board without cause, or where it is resolved to place the town schools under the county inspector. 48 V. c. 49, s. 185.

Payment of Inspector's salary in towns not separated.

185. When the public school board of any town not separated from the county appoints an inspector, other than the county inspector, to take charge of their school, the county treasurer on demand shall pay to the order of such board a sum of money equal to any amount collected within such town for the payment of salary of the county inspector. 48 V. c. 49, s. 186.

Towns may place schools under County Inspector.

186. In case the public school board of any town not separated from the county with the approval of the Education Department and subject to the prescribed regulations, places the schools of such town under the jurisdiction of a county inspector, the inspector shall be entitled to the like salary and remuneration as he receives for rural schools. 48 V. c. 49, s. 187.

Duty of city or town Inspector.

187. It shall be the duty of every city or town inspector to visit the schools under his charge from time to time, and as often as he may be required by the board, and to discharge

such other duties as the board may require, or are required of county inspectors under section 183 of this Act. 48 V. c. 49, s. 188.

188. No inspector of schools shall, during his tenure of office engage in or hold any other employment, office, or calling which would interfere with the full discharge of his duties as inspector as required by law. 48 V. c. 49, s. 189.

Inspector not to hold other offices.

189. In cases where an inspector requires the testimony of witnesses to the truth of any facts alleged in any complaint or appeal made to him or to the Minister of Education or the Education Department, it shall be lawful for such inspector to administer an oath to such witnesses, or to require their solemn affirmation before receiving their testimony. 48 V. c. 49, s. 190.

Inspector to swear witnesses in certain cases.

ALLOWANCE TO ARBITRATORS.

190.—(1) All persons engaged as arbitrators on any matter arising under this Act, and inspectors who are acting as arbitrators, while engaged in investigating and deciding upon school complaints and disputes, shall be entitled to the same remuneration per diem and travelling expenses as are members of the county council of their county for their time and attendance at council meetings. 48 V. c. 49, s. 191.

Allowance to Arbitrators and Inspectors.

(2) In making their award the arbitrators shall among other things determine the liabilities of the parties concerned therein for the costs of such arbitration, and such determination shall be final and conclusive. 50 V. c. 39, s. 31.

SUPERANNUATION.

191. Every teacher or inspector whose name is entered as having paid into the fund for the support of superannuated teachers, may contribute to such fund in such manner as may be prescribed by the Education Department, the sum of at least \$4 annually. 48 V. c. 49, s. 192.

Superannuation Fund.

192. On the decease of any teacher or inspector, his wife, her husband, or other legal representative, shall be entitled to receive back the full amount paid into the superannuation fund by such teacher or inspector with interest at the rate of seven per cent. per annum. 48 V. c. 49, s. 193.

Repayment to wife, etc., of deceased teacher.

193.—(1) Every teacher or inspector who, while engaged in his profession, contributes to the superannuated teachers' fund as provided by this Act, shall, on reaching the age of sixty years, be entitled to retire from the profession at his discretion, and receive an allowance or pension at the rate of \$6

Right of teacher to retire on reaching sixty years of age.

per annum, for every year of such service in Ontario, upon furnishing to the Education Department satisfactory evidence of good moral character, of his age, and of the length of his service as teacher or inspector.

Supplemen-
tary pension.

(2) Every pension payable under this Act may be supplemented out of local funds by any municipal council, public school board or board of education, at its pleasure.

Application of
section.

(3) To remove doubts, nothing in this section contained shall be held as applying to any person who, prior to 1871, had ceased to be engaged in his profession as a teacher, and had not, prior to the 30th day of March, 1885, contributed to the said fund, and no payment for arrears shall be hereafter received. 48 V. c. 49, s. 194.

Teachers
under sixty.

194. Every teacher or inspector under sixty years of age who has contributed as aforesaid and who is disabled from practising his profession, shall be entitled to a like pension, or local supplementary allowance, upon furnishing the like evidence, and upon furnishing to the Education Department from time to time, in addition thereto, satisfactory evidence of his being disabled. 48 V. c. 49, s. 195.

\$1 per annum
extra to cer-
tain teachers.

195. Every teacher entitled to receive an allowance from the superannuated teachers' fund, who holds a first or second class provincial certificate, or a first-class county board certificate, or who is an authorized head master of a high school or collegiate institute, shall, in addition to said allowance or pension, be entitled to receive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate, or while he acted as head master of a high school or collegiate institute. 48 V. c. 49, s. 196.

Proviso in
regard to
good moral
character.

196. The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the pensioned teacher fail to maintain a good moral character, to be vouched for (when requested) to the satisfaction of the Education Department. 48 V. c. 49, s. 197.

Teacher
resuming pro-
fession.

197. If any pensioned teacher or inspector shall, with the consent of the Education Department, resume the profession of teaching or inspecting, the payment of his allowance shall be suspended from the time of his being so engaged. 48 V. c. 49, s. 198.

Again
retiring.

198. In case such teacher or inspector is again placed on the superannuation list a pension for the additional time of service shall be allowed him, on his compliance with this Act, and the regulations of the Education Department. 48 V. c. 49, s. 199.

Forfeiture of
claim.

199. Any teacher or inspector who, having resumed his profession, draws or continues to draw upon the superannuation

fund for any part of his allowance as a superannuated teacher, shall forfeit all claim to the fund, and his name shall be struck off the list of superannuated teachers. 48 V. c. 49, s. 200.

200. In the case of those teachers or inspectors who may not avail themselves of the provisions of section 191 or 201 of this Act, the provisions of sections 192 to 201 inclusive shall apply so far as relates to all sums of money already paid into the fund for the support of superannuated teachers. 48 V. c. 49, s. 201.

Teachers not availing themselves of Act.

201. Any teacher who retires from the profession, or any teacher or inspector who desires to remove his name from the list of contributors to the superannuated teachers fund, shall be entitled to receive back from the Minister of Education one-half of any sums paid in by him or her to the fund, through the public school inspector, or otherwise. 48 V. c. 49, s. 202.

Repayment to contributors.

NON-RESIDENT PUPILS.

202.—(1) It shall be the duty of the trustees of every rural school section and of every public school board to admit, on payment in advance of fees not exceeding fifty cents per pupil for every month, any non-resident pupils who reside nearer to such school than the school in their own section; and in case of dispute as to the distance from the school, the inspector shall decide.

Admission of non resident pupils.

(2) Non-resident pupils attending a public school in any city, town or incorporated village shall for all matters affecting the division of the legislative or municipal grants, be reported as attending the public school of the school section in which they are actual residents. 48 V. c. 49, s. 203.

203. In case a county council establishes a house of refuge in any county any person of school age maintained in such house of refuge shall for the purposes of this Act be deemed a non-resident, and the county council shall be liable for such fees as are lawful under this Act. 48 V. c. 48, s. 204.

Pupils in House of Refuge.

HOLIDAYS.

204.—(1) The public school year shall consist of two terms: the first shall begin on the third day of January, and end on the first Friday of July; the second shall begin on the third Monday of August, and end on the twenty-third day of December. Every Saturday, every statutory holiday, and every day proclaimed a holiday by the municipal authorities in which the school section or division is situated, shall be a holiday in the public schools.

Terms.

(2) In the case of cities, towns and incorporated villages the school terms shall be the same as the terms prescribed for high schools. 48 V. c. 49, s. 205.

AUTHORIZED BOOKS.

Only authorized text-books to be used.

205. No teacher shall use or permit to be used as text books any books in a model or public school, except such as are authorized by the Education Department, and no portion of the legislative or municipal grant shall be paid by the inspector to any school in which unauthorized books are used. 48 V. c. 49, s. 206.

Change of text-book.

206. Any authorized text book in actual use in any public or model school may be changed by the teacher of such school for any other authorized text book in the same subject on the written approval of the trustees and the inspector, provided always such change is made at the beginning of a school term, and at least six months after such approval has been given. 48 V. c. 49, s. 207.

Substitution of unauthorized text-books.

207. In case any teacher or other person shall negligently or wilfully substitute any unauthorized text book in place of any authorized text book in actual use upon the same subject in his school, he shall for each such offence, on conviction thereof before a Police Magistrate or Justice of the Peace, as the case may be, be liable to a penalty not exceeding \$10 payable to the municipality for public school purposes, together with costs, as the Police Magistrate or Justice may think fit. 48 V. c. 40, s. 208.

LIBRARIES.

Establishment of libraries.

208. The council of every municipality may raise by assessment such sums as it may judge expedient for the establishment and maintenance of a public school library, subject to the regulations of the Education Department. 48 V. c. 49, s. 209.

COMPULSORY EDUCATION.

Children from 7 to 13 to attend school

209. The parent or guardian of every child not less than seven years nor more than thirteen years of age is required to cause such child to attend a public school, or any other school in which elementary instruction is given, for the period of one hundred days in each public school year, unless there be some reasonable excuse for non-attendance. 48 V. c. 49, s. 210.

Time of attendance.

Exceptions.

210. A child shall not be required to attend a public school if such child is under efficient elementary instruction in some other manner, or if such child has been prevented attending school by sickness or other unavoidable cause, or if there is no public school which such child can attend within two miles, measured according to the nearest road from the residence of such child, if under the age of nine, and within three miles if over that age. 48 V. c. 49, s. 211.

211.—(1) Any person who receives into his house a child of any other person, under the age of thirteen years, and who is resident with him or in his care or employment, shall be deemed thereby to be subject to the same duty with respect to the elementary education of such child during such residence, and shall be liable to be proceeded against as in the case of a parent, if he should fail to perform his duty of causing such child to be educated to the extent required of a parent; but the duty of the parent under this Act shall not thereby be affected or diminished and shall continue in full force.

(2) In the case of each such child who is employed in any manufactory, one-half of the whole time required by this Act for instruction shall be deemed to be sufficient instruction in such case, provided such child is certified by a public school inspector as having passed the examination for promotion from the Third Reader to the Fourth Reader, according to the curriculum of studies prescribed by the Education Department. 48 V. c. 49, s. 212.

212. The trustees may appoint an officer, who shall be furnished with the list, provided for by section 115 of this Act, containing the names of all children between the ages of seven and thirteen, to ascertain and report, for their information, any parent or other person who has failed and omitted, and is failing and omitting, to perform the duty of providing that each child of his, or in his care or employment, between the ages aforesaid, is attending some school or otherwise being under efficient elementary instruction, and it shall be the duty of such officer to notify, personally or by letter, or otherwise, such parent or other person of his neglect or violation of duty and the consequences thereof. 48 V. c. 49, s. 213.

213. No proceeding against any parent or other person for any neglect or violation on his part of the requirements of this Act shall be taken until after the expiration of fourteen days from the time in which he has been so notified, nor until such parent or other person has had an opportunity of attending a meeting of the trustees, to state his or her reasons for not complying with such notice; but if such parent or other person should, on being notified, either fail to appear or to satisfy the trustees that his alleged neglect or violation of duty has arisen from any of the grounds on which he would be excused, it shall be the duty of the trustees, through their said officer, to make complaint of such neglect or violation of duty to the Police Magistrate or a Justice of the Peace having jurisdiction under *The Act respecting summary convictions before Justices of the Peace and appeals to General Sessions*, and such Police Magistrate and Justice shall possess and exercise all the powers conferred by section 217 of this Act. 48 V. c. 49, s. 214.

214. With respect to proceedings for any offence or penalty under the provisions of this Act, where a child is apparently

of the age alleged, for the purpose of such proceeding it shall lie with the defendant to prove that the child is not of such age. 48 V. c. 49, s. 215.

Attendance at schools.

215. Nothing herein shall be held to require any Roman Catholic to attend a public school, or to require a Protestant to attend a Roman Catholic school. 48 V. c. 49, s. 216.

Trustees may impose a rate bill or make complaint to a magistrate.

216. It shall be the duty of the trustees of every rural school section and of every city, town, and incorporated village respectively, and they are hereby authorized to impose upon said parents or guardians who, after having been so notified, continue to neglect or violate the next preceding seven sections of this Act or any of them, a rate bill not exceeding \$1 per month for each of their children not attending school, or to make complaint of such neglect or violation to a Justice of the Peace having jurisdiction in such cases, as provided by this Act, and to deliver to said Justice a statement of the names and residences of the parents or guardians of such children, unless from the circumstances of the case the trustees are satisfied that such neglect or violation has not been wilful, or has been caused by extreme poverty, ill-health, or too great a distance from any school. 48 V. c. 49, s. 217.

Penalty for non-attendance at some school.

217.—(1) It shall be competent for the Police Magistrate of any city or town, or for any Justice of the Peace in any village, township or town where there is no Police Magistrate, to investigate and decide upon any complaint made by the trustees, or by any person authorized by them, against any parent or guardian for the violation of the provisions of this Act, in regard to compulsory education, and to impose a fine not exceeding \$5 for the first wilful offence, and double that penalty for every subsequent offence; which fine and penalty shall be enforced as provided in section 267 of this Act.

Discretion as to issuing warrant.

(2) The Police Magistrate or Justice shall not be bound to, but may, in his discretion, forego the issue of the warrant for the imprisonment of the offender, as in said section is provided. 48 V. c. 49, s. 218.

Further discretion of magistrate to enforce penalty.

218. It shall be the duty of the Police Magistrate, or any Justice of the Peace where there is no Police Magistrate, to ascertain, as far as may be, the circumstances of any person complained of for not sending his children to some school, or otherwise educating him or them, and whether the alleged violation has been wilful, or has been caused by extreme poverty, or ill-health, or too great a distance from any school; and in any of the latter cases, the Magistrate shall not award punishment, but shall report the circumstances to the trustees of the school section in which the offence has occurred. 48 V. c. 49, s. 219.

UNIONS OF HIGH AND PUBLIC SCHOOLS.

219. All existing unions of high schools (or collegiate institutes) and public school trustee corporations are hereby continued, and all the members of both corporations shall constitute a joint board, and shall, as long as the union exists, be a corporation under the name of "*The Board of Education for the City (Town, or Incorporated Village of* or *School Section No.* in the Township of as the case may be). 48 V. c. 49, s. 220.

Existing unions continued.

220. A majority of the members of the board shall form a quorum; and such board shall have the powers of the trustees of both the public and high schools. 48 V. c. 49, s. 221.

Powers.

221. The union may be dissolved at the end of the year by resolution of a majority present at any lawful meeting of the said board of education called for that purpose. 48 V. c. 49, s. 222.

Union may be dissolved.

222. On the dissolution of such union, the school property held or possessed by the board of education at the time shall be divided or applied to school purposes, as may be agreed upon by a majority of the public school trustees, and of the high school (or collegiate institute) trustees respectively, present at meetings called for, that purpose. 48 V. c. 49, s. 223.

Disposition of school property.

223. If the trustees fail so to agree within the space of six months after such dissolution, then the division shall be made by the municipal council of the city, town, or incorporated village within the limits of which such public and high schools (or collegiate institute) are situated. 48 V. c. 49, s. 224.

Failure of trustees to settle disposition

224. If the high school is situated in a school section or unincorporated village, the division (in case of failure to agree as aforesaid) shall be made by the county council. 48 V. c. 49, s. 225.

Settlement by county council.

225. No union of a public school, or department thereof, with a high school or collegiate institute, shall hereafter be made. 48 V. c. 49, s. 226.

No future union.

SPECIAL INQUIRIES.

226. The Minister of Education shall have power to appoint one or more persons, as he from time to time deems necessary to inquire into and report to him upon any school matter; such inspector or other person or persons shall be entitled to such remuneration out of any moneys appropriated by the Legislature for that purpose as may be deemed just and equitable,

Remuneration.

Power to
commissioners
to administer
oaths.

considering the nature and extent of the duties to be performed. Such person or persons, or any of them, shall have power to administer oaths to witnesses, or require them to make solemn affirmation of the truth of the matters they may be examined upon. 48 V. c. 49, s. 227.

Compelling
attendance of
witnesses.

227. In any matter of inquiry which the Minister is by law authorized to institute, make or direct, a writ or writs of *subpœna ad testificandum* and also *duces tecum* may issue from the High Court upon the *prœcipe* of the Minister of Education therefor, containing the names of the witnesses intended to be summoned thereby, to be directed to such person or persons for him or them to attend and give evidence under oath, at such times and places, and before such person or persons as the Minister shall appoint, and any default of any such person in obeying any such subpœna shall be punishable as in the like case in any action or cause in the said Court. 48 V. c. 49, s. 228.

APPEALS FROM DIVISION COURT DECISIONS.

Appeals from
Division
Courts.

Rev. Stat.
c. 226.

228. The Judge of any Division Court wherein any action between teachers, inspectors, trustees, or others acting under this Act, or *The High Schools Act*, is tried may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister of Education to appeal the case. 48 V. c. 49, s. 229.

Minister may
appeal to High
Court.

229. The Minister may, within one month after the rendering of judgment in any such case, appeal from the decision of the Division Court Judge to the High Court at Toronto, by serving notice in writing of such appeal upon the clerk of the Division Court appealed from, which appeal shall be entitled "The Minister of Education for Ontario, Appellant, in the matter between (A. B. and C. D.)" But nothing herein contained shall be held to interfere with the right of any of the parties to the action exercising the ordinary right of appeal. 48 V. c. 49, s. 230.

Judge to send
papers to
High Court.

230. The Judge, whose decision is thus appealed from, shall thereupon certify under his hand, to the Registrar of the Division of the High Court appealed to, the summons and statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto. 48 V. c. 49, s. 231.

No further
proceeding
to be taken
after notice
of appeal.

231. After notice of appeal has been served as hereinafter provided no further proceeding shall be had in such case until the matter of appeal has been decided by the High Court. 48 V. c. 49, s. 232.

Judge to
certify pro-
ceedings to
the Minister.

232. On the Judge receiving a notice of appeal from his decision (under the authority of this Act), he shall thereupon certify under his hand, to the Minister of Education, the

statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections thereto. 48 V. c. 49. s. 233.

233. The High Court shall give such order or direction to the Court below, touching the judgment to be given in the matter, as the circumstances of the case require. 48 V. c. 49, s. 234. Order of Court.

234. The Court may also in its discretion award costs against the appellant, which costs shall be certified to and form part of the judgment of the Court below. 48 V. c. 49, s. 235. Costs.

235. All costs awarded against an appellant, and all costs incurred by him, shall be paid by the Minister, and charged as contingent expenses of his office. 48 V. c. 49, s. 236. Costs of appellant to be paid by Minister.

236. Upon receipt of such order, direction, and certificate, the Judge of the Division Court shall forthwith proceed in accordance therewith. 48 V. c. 49, s. 237. Proceedings in Division Court when appeal decided.

237. The Minister of Education shall have power to submit a case on any question arising under this Act, or *The High Schools Act* to any Judge of the High Court for his opinion and decision, or, with the consent of such Judge, to a Divisional Court of the said High Court for their opinion and decision. 48 V. c. 49, s. 238. Submit case to Judge of High Court for decision. Rev. Stat. c. 226.

SCHOOL VISITORS.

238. (1) All clergymen, judges, members of the Legislature, members of county councils, and aldermen shall be school visitors in the townships, cities, towns and villages where they respectively reside. Public School Visitors defined.

(2) A clergyman shall be a school visitor only in the township, town or city where he has pastoral charge. 48 V. c. 49, s. 239.

239. Each of the school visitors may visit the public schools in the township, city, town or village. They may also attend the quarterly examination of schools, and at the time of any such visit, may examine the progress of the pupils, and the state and management of the school, and give such advice to the teacher and pupils, and any others present, as they think advisable, in accordance with the regulations and instructions provided in regard to school visitors. 48 V. c. 49, s. 240. Their authority to visit Public Schools.

240. A general meeting of the visitors may be held at any time or place appointed by any two visitors, on sufficient notice being given to the other visitors in the township, city, town or village. 48 V. c. 49, s. 241. General meeting of school visitors.

Authority at
such meetings.

241. The visitors thus assembled may devise such means as they deem expedient for the efficient visitation of the schools, and for promoting the establishment of libraries and the diffusion of useful knowledge. 48 V. c. 49, s. 242.

PENALTIES AND PROHIBITIONS.

Information to
County Clerk.

242. If any township clerk neglects or refuses to prepare and furnish the map of the school sections or other divisions of his municipality, as required by section 11, he shall be liable to a penalty not exceeding \$10, to be recovered before a Justice of the Peace, for the school purposes of his municipality, at the instance of any ratepayer thereof. 48 V. c. 49, s. 243.

Penalty for
making a false
declaration.

243. No person shall wilfully make a false declaration of his right to vote at any school meeting or election of school trustees; and any person convicted of a contravention of this section, upon the complaint of any person, shall be punishable by fine or imprisonment, at the discretion of the Court of General Sessions, or by a penalty of not less than \$5 or more than \$10 to be sued for and recovered with costs before a Justice of the Peace, by the public school trustees of the city, town, village, school section, or other division, for its use. 48 V. c. 49, s. 244.

Fine on dis-
qualified per-
son acting as
trustee.

244. If any person elected as a school trustee attends any meetings of the school board as such, after being disqualified under this Act, he shall be liable to a penalty of \$20 for every meeting so attended. 50 V. c. 39, s. 32.

Trustees not
to hold certain
offices.

245. No trustee of a school section shall hold the office of public school inspector, or be a master or teacher within the section of which he is a trustee: nor shall the master or teacher of any public, high, or separate school hold the office of trustee, nor shall an inspector be a teacher or trustee of any public, high or separate school while he holds the office of inspector. 48 V. s. 49, s. 246.

Seat vacated
by conviction
for crime, etc.

246. Any trustee who is convicted of any felony or misdemeanour, or becomes insane, or absents himself from the meetings of the board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be an actual resident within the school section for which he is a trustee, shall *ipso facto* vacate his seat, and the remaining trustees shall declare his seat vacant and forthwith order a new election. 48 V. c. 49, s. 247; 50 V. c. 39, s. 33.

Seat vacated
by interest
in contract
with corpora-
tion.

247. Any trustee who has any pecuniary interest, profit or promise or expected benefit in, or from any contract, agreement or engagement, either in his own name, or in the name of another with the corporation of which he is a member, or who receives, or expects to receive any compensation for any work,

engagement, employment or duty, on behalf of such corporation, shall *ipso facto* vacate his seat, and every such contract, agreement, engagement or promise shall be null and void, and the remaining trustees, or a majority of them, shall declare the seat vacant, and forthwith order a new election. 48 V. c. 49, s. 248.

248. In case any annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice, shall forfeit the sum of \$5 to be sued for and recovered before a Justice of the Peace, by any resident inhabitant in the rural school section, for the use thereof. 48 V. c. 49, s. 249.

Penalty for not calling school meetings.

249. Any person who wilfully disturbs, interrupts, or disquiets the proceedings of any school meeting authorized to be held by this Act, or any one who wilfully interrupts or disquiets any public school established and conducted under its authority, or other school, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the school, shall, for each offence, on conviction thereof before a Justice of the Peace, on the oath of one credible witness, forfeit and pay for public school purposes to the school section, city, town, or village within which the offence was committed, a sum not exceeding \$20 together with the costs of the conviction, as the said Justice may think fit. 48 V. c. 49, s. 250.

Penalty for disturbing a school or school meeting.

250. If any person chosen as trustee refuses to serve he shall forfeit the sum of \$5. 48 V. c. 49, s. 251.

Penalty for refusing to serve as trustee.

251. Every person so chosen who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall forfeit the sum of \$20 to be sued for and recovered before a Justice of the Peace, by the trustees of the school section or division, or by any person whatsoever for its use, as authorized by this Act. 48 V. c. 49, s. 252.

Penalty for refusing to perform duties.

252. If the trustees of any public school wilfully neglect or refuse to exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them, any trustee or trustees so neglecting or refusing to exercise such power shall be held to be personally responsible for the fulfilment of such contract or agreement. 48 V. c. 49, s. 253.

Penalty for refusing to exercise corporate powers.

253. Any chairman who neglects to transmit to the county inspector a minute of the proceedings of an annual or other rural school section meeting over which he has presided, within ten days after the holding of such meeting shall be liable, on the

Penalty on chairman for neglect.

complaint of any ratepayer, to a fine of not more than \$5 to be recovered as provided by this Act. 48 V. c. 49, s. 254.

Liability for neglect to take security.

254. If any trustees of any school section refuse or neglect to take proper security from the secretary-treasurer, or other person to whom they entrust school moneys, they shall be held personally responsible for the moneys. 48 V. c. 49, s. 255.

Responsibility in case of lost school moneys.

255. If any part of the public school fund or moneys is embezzled or lost, through the dishonesty or faithlessness of any trustee, secretary-treasurer, or other person to whom it has been entrusted, and proper security against the loss has not been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost; and such sums may be recovered from him or them by the person entitled to receive the same, by action in any Court having jurisdiction to the amount, or by information at the suit of the Crown. 48 V. c. 49, s. 256.

Penalty on secretary-treasurer, or trustee for refusing to account.

256. No secretary-treasurer appointed by the school trustees of any school section, and no person having been such secretary-treasurer, and no trustee or other person who may have in his possession any books, papers, chattels, or moneys, which came into his possession as such secretary-treasurer, trustee or otherwise, shall wrongfully withhold, or neglect or refuse to deliver up, or account for, and pay over the same or any part thereof to the person, and in the manner directed by a majority of the school trustees for the school section then in office, or by other competent authority; and such withholding, neglect or refusal to deliver up or account for, shall be punishable, as provided in the three following sections of this Act. 48 V. c. 49, s. 257.

Mode of proceeding.

257.—(1) Upon application to the Judge of the County Court, by a majority of the trustees, or any two ratepayers in a school section supported by their affidavit made before some Justice of the Peace, of such wrongful withholding or refusal, the Judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer or trustee, or other person, do appear before him at a time and place to be appointed in the order.

(2) Any bailiff of a Division Court, upon being required by the Judge, shall serve the order personally on the person complained against, or leave the same with a grown-up person at his residence. 48 V. c. 49, s. 258.

Judge to issue order.

258. At the time and place so appointed, the Judge being satisfied that service has been made, shall, in a summary manner, and whether the person complained of does or does not

appear, hear the complaint, and if he is of opinion that the complaint is well founded, the Judge shall order the person complained of to deliver up, account for, and pay over the books, papers, chattels, or moneys as aforesaid, by a certain day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may tax. 48 V. c. 49, s. 259.

259. In the event of non-compliance with the terms specified in such order, or any or either of them, the Judge shall order the said person to be forthwith arrested by the sheriff of any county in which he may be found, and to be committed to the common gaol of his county, there to remain without bail until the Judge be satisfied that the person has delivered up, accounted for, or paid over the books, papers, chattels or moneys in question, in the manner directed by the majority of the trustees, or other competent authority as aforesaid; upon proof of his having so done, the Judge shall make an order for his discharge, and he shall be discharged accordingly. 48 V. c. 49, s. 260.

Effect of non-compliance with Judge's order.

260. No such proceeding shall impair or affect any other remedy which the said trustees, or other competent authority, may have against the secretary-treasurer, or person having been such secretary-treasurer or his sureties, or against any trustee or other person as aforesaid. 48 V. c. 49, s. 261.

Other remedy not affected.

261. The trustees, or their secretary-treasurer in their behalf, shall not refuse to furnish the auditors of any accounts of a rural school section, or either of them, with any papers or information in their power and which may be required of them relative to their school accounts, and any contravention of this section upon prosecution therefor by either of the auditors, or any ratepayer, shall be punished by fine or imprisonment, as provided by this Act. 48 V. c. 49, s. 262.

Penalty on trustees refusing information, etc., to auditors.

262.—(1) In case the trustees of any rural school section neglect to transmit to the county inspector, on or before the thirtieth day of June and the thirty-first day of December in every year, a correct and verified statement of the average attendance of pupils in each of the schools under their charge during the six months then immediately preceding, then the school section shall not be entitled to the apportionment from the school fund for the said six months.

Penalty for neglect to send half yearly returns.

(2) The trustees so neglecting shall be personally responsible for the amount of the loss of such apportionment. 48 V. c. 49, s. 263.

263. In case the trustees of any school section neglect to prepare and forward the aforesaid annual report to their county inspector by the fifteenth day of January in every year, each

Penalty for delaying yearly report.

of them shall, for every week after such fifteenth day of January, and until such report has been prepared and presented, forfeit the sum of \$5 to be sued for by the county inspector, and collected and applied in the manner provided for by this Act. 48 V. c. 49, s. 264.

Penalty for false school reports and registers.

264.—(1) If any trustee of a public school knowingly signs a false report, or if any teacher of a public school keeps a false school register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such school, the trustee or teacher shall, for every offence, forfeit to the public school fund of the township the sum of \$20 for which any person whatever may prosecute him before a Justice of the Peace, and the trustee or teacher may be convicted on the oath of one credible witness other than the prosecutor.

Recovery by distress.

(2) If, upon conviction, the penalty is not forthwith paid, the same shall, under the warrant of the Justice, be levied with costs by distress and sale of the goods and chattels of the offender.

Application of penalty.

(3) The penalty, when so paid or collected, shall by the Justice be paid over to the said public school fund. 48 V. c. 49, s. 265.

Trustees personally responsible for moneys lost.

265.—(1) The trustees of every school section shall be personally responsible for the amount of any school moneys forfeited by or lost to the school section in consequence of the neglect of duty of the trustees during their continuance in office.

(2) The amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act. 48 V. c. 49, s. 266.

GENERAL PROHIBITIONS.

No inspector, trustee, teacher, etc., to act as agent for the sale of books, maps, etc.

266. No teacher, trustee, inspector, or other person officially connected with the Education Department, the normal, model, public, or high schools or collegiate institutes, shall become or act as agent for any person or persons to sell, or in any way to promote the sale for such person or persons, of any school, library, prize or text-book, map, chart, school apparatus, furniture or stationery, or to receive compensation or other remuneration or equivalent for such sale, or for the promotion of sale in any way whatsoever. 48 V. c. 49, s. 267.

HOW FINES AND PENALTIES MAY BE RECOVERED.

How penalties under this Act shall be recoverable.

267.—(1) Unless it is in this Act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceedings, may be sued for, recovered, and enforced, with costs, by and before any Police Magistrate or Justice of the Peace having jurisdiction within the school section, city, town, or village in which such fine or penalty has been incurred.

(2) If the fine or penalty and costs are not forthwith paid, the same shall, by and under the warrant of the convicting Justice, be enforced, levied and collected with costs, by distress and sale of the goods and chattels of the offender, and shall be by the Police Magistrate or Justice paid over to the school treasurer of the school section, city, town, or village, or other party entitled thereto.

(3) In default of such distress, the Police Magistrate or Justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavouring to collect the same, are sooner paid. 48 V. c. 49, s. 268.

CONFIRMING AND SAVING CLAUSES.

268. All lands which, previous to the twenty-fourth day of July, 1850, were granted devised or otherwise conveyed to any person or persons in trust for common school purposes, and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the public school trustees of the school section or division in which such lands are respectively situate, shall continue vested in such trustees, and shall continue to be held by said trustees and their successors upon the like trusts and subject to the same conditions and estates upon or subject to which the said lands are now respectively held. 48 V. c. 49, s. 269.

School lands granted before 1850 vested in trustees for school purposes.

269. All school sections existing on the 2nd day of March, 1877, and all unions of school sections comprised of parts of the same or different municipalities which on that date existed in fact, and whether formed in accordance with the provisions of the law in that behalf or not, are to be deemed to have been legally formed, and such unions shall continue to exist, subject, however, to the provisions of this Act so far as applicable, as if they had been formed thereunder; and in cases where any union has heretofore been adjudged by any Court or Judge to have been illegally formed, or where any proceedings were pending at said date on that ground, further proceedings may be stayed, upon payment of such costs or expenses, if any, as the Court or Judge may award. 48 V. c. 49, s. 270.

Unions existing 2nd March, 1877 confirmed.

270. In the case of union school sections existing on the 2nd day of March, 1877, and composed of portions of adjoining townships or portions of a township or townships, and a town or incorporated village, every such union school section shall, for the purposes of the election of trustees, be deemed one school section or division, and shall be considered in respect to inspection and taxation for school purposes as belonging to the township, town or village in which the school-house is situated. 48 V. c. 49, s. 271.

Elections of trustees, inspection and taxation in union school sections and divisions existing on 2nd March, 1877

Law as to
Roman
Catholic Sep-
arate Schools
not affected.

271. Nothing in this Act contained, shall affect Roman Catholic separate schools, unless where such schools are expressly referred to. 48 V. c. 49, s. 273.

FORM A.

(Section 135.)

FORM OF SCHOOL DEBENTURE.

PROVINCE OF ONTARIO.

\$ Debenture of the _____ of _____ County of _____ No. _____, for _____

The corporation of the _____ of _____ hereby promise to pay to Bearer at the Bank of _____, at _____, the sum of _____ dollars, _____ year from the date hereof; and to pay interest at the rate of _____ per cent. per annum, half-yearly, to the Bearer of the annexed coupons respectively, upon the presentation thereof at the said Bank.

Issued at _____, this _____ day of _____, 18____, by virtue and under the authority of *The Public Schools Act* of Ontario, being chapter 227 of the Revised Statutes of Ontario, 1887, and pursuant to By-law No. _____ of said _____ of _____, passed on the _____ day of _____, A. D. 18____, intituled "A By-law to raise by way of loan the sum of _____ dollars for the purposes therein mentioned" (or as the case may be).

A. B., Reeve.

C. D., Treasurer.

COUPON, No. _____

The Corporation of the _____ of _____
will pay the Bearer at the Bank of _____, at _____,
_____ on the _____ day of _____, the sum
of _____ dollars, interest due on that day on
Debenture No. _____ C. D., Treasurer.

48 V. c. 49, Sched. A.

FORM B.

(Section 115.)

Census of all children between the age of seven and thirteen in the (city, town or incorporated village) (as the case may be) of

| Name. | Age. | Parent or Guardian. | Residence. |
|-------|------|---------------------|------------|
|-------|------|---------------------|------------|

48 V. c. 49, Sched. C

CHAPTER 226.

An Act respecting High Schools and Collegiate Institutes.

| | |
|--|---|
| SHORT TITLE, s. 1. | Audit, s. 37 (2). |
| INTERPRETATION, s. 2. | ENTRANCE EXAMINATIONS, ss. 38-42. |
| ESTABLISHMENT OF HIGH SCHOOLS, ss. 3-12. | ADMISSION OF PUPILS, s. 43. |
| ESTABLISHMENT OF COLLEGIATE INSTITUTES, s. 13. | MASTERS: |
| TRUSTEES: | Qualification of head-master, s. 44. |
| Appointment, ss. 14-21. | Settlement of disputes, ss. 45, 46. |
| First meeting, ss. 22-24. | Payment of salary, s. 47. |
| Duties, s. 25. | Regulations of Education Department, s. 48. |
| Property vested in, ss. 26-31. | Superannuation, s. 49. |
| Not to contract with board, s. 57. | TERMS, s. 50. |
| Vacancy in office, how caused, s. 58. | PREPARATORY CLASSES OR SCHOOLS, s. 51. |
| ASSESSMENT FOR HIGH SCHOOL PURPOSES: | LEGISLATIVE GRANT, ss. 52-54. |
| Obligatory, ss. 32-35. | METEOROLOGICAL OBSERVATIONS, ss. 55, 56. |
| Discretionary, s. 36. | PENALTY FOR DISTURBING SCHOOL, s. 59. |
| Payment of moneys, s. 37 (1). | AUTHORIZED BOOKS, ss. 60-62. |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

GENERAL.

1. This Act may be cited as "*The High Schools Act.*" 48 V. Short title, c. 50, s. 1.

2. "High Schools" shall include collegiate institutes, unless a contrary meaning appears. 48 V. c. 50, s. 2. Interpretation.

3. All high school and collegiate institute divisions and districts, together with all elections and appointments to office, and all agreements, contracts, assessments, and rate-bills, heretofore duly made in relation to high schools and collegiate institutes, existing at the passing of this Act, and all powers and duties connected therewith, shall continue in full force and effect, subject to the provisions of this Act. 48 V. c. 50, s. 3. Existing High School organizations continued.

4. There shall be a high school or high schools or collegiate institute in every county and union of counties, to be distinguished by prefixing to the words "High School" or "Collegiate Institute," the name of the city, town or village within the limits of which the high school or collegiate institute is Name of each County High School.

situated, but such high school or collegiate institute shall nevertheless be deemed to be one of the high schools or collegiate institutes of the county, and within the municipal jurisdiction of the county council. 48 V. c. 50, s. 4.

Separating a county from union for High School purposes.

5. In the case of a union of counties, the county council upon a written requisition of a majority of the reeves and deputy-reeves of any one county of such union, shall constitute such county a separate county for high school purposes; in which case such county shall contribute the equivalent of the legislative grant to each of the high schools which may be established therein, and in such amount separately from any other county within the jurisdiction of the county council; and upon the like requisition the county council shall pass the requisite by-law for abolishing existing high school districts within such county, and deal with all matters relating to the high schools therein. 48 V. c. 50, s. 5.

Electoral Districts as High School Districts.

6. The county council may constitute an electoral district a separate district for high school purposes, in order that it may contribute to the support of one or more high schools therein, as the council may determine for such purpose, and in such amount separately from any other electoral district under the jurisdiction of such county council. 48 V. c. 50, s. 6.

Discontinuance of High School.

7. Every county council, at or before its June session in any year, but not later, may, with the approval of the Lieutenant-Governor, on the report and recommendation of the Minister of Education, change the location of or discontinue, at the end of the civil year, any existing high school in any part of the county within the jurisdiction of the said county council. 48 V. c. 50, s. 7.

Establishment of New High Schools—restriction.

8. Additional high schools may, subject to the approval of the Lieutenant-Governor in council, be established by a county council in any county, on or before its June session in any year, providing the high school fund is sufficient to allow of an apportionment at the rate of not less than \$400 per annum to be made to such additional high school, without diminishing the fund which was available for high schools during the next preceding year. 48 V. c. 50, s. 8.

Establishment at end of the year.

9. Within the restrictions prescribed in section 8, it shall be lawful for the Lieutenant-Governor, on the report and recommendation of the Minister of Education, to authorize the establishment of an additional high school in any county at the end of the then civil year. 48 V. c. 50, s. 9.

Cities and towns separated to be counties for High School purposes.

10.—(1) For all high school purposes every city and town separated for municipal purposes from the county in which it is situated, shall be a county; and its municipal council shall be invested with all the high school powers possessed by county, city, or town councils. 48 V. c. 50, s. 10.

(2) It shall be lawful for the municipal council of a city to establish as many high schools in such city as they may deem expedient, subject always to the approval of the Lieutenant-Governor in Council. Establishment of high schools in cities.

(3) Where more than one high school is established in a city, the municipal council thereof shall appoint six trustees for each additional high school, but the high school board for the city shall, nevertheless, to all intents and purposes, be one board and one corporation. 50 V. c. 40, s. 1. Additional trustees.

11. In case of high schools situated in a city or town separated from the jurisdiction of a county council, it shall be lawful for the county council and the council of the city or town to agree upon the terms and conditions of union under which such high school will be constituted the high school of the county as well as of the city or town, and in such case the corporate name and appointment of trustees shall be governed by the provisions applicable to a high school situated in a town not withdrawn from the county. 48 V. c. 50, s. 11. Power to county and city or town separated to agree as to High School.

12. In every high school provision shall be made for instruction in all the higher branches of a practical English and commercial education; the natural sciences, with special reference to agriculture; the elements of mathematics; natural philosophy and mechanics, and the Latin, Greek, French, and German languages, so far as to prepare students for University College, or any college affiliated with the University of Toronto, according to such regulations, as shall be prescribed from time to time by the Department of Education, with the approval of the Lieutenant-Governor. 48 V. c. 50, s. 12. Instruction to be given in High Schools.

13. On the report of the Minister of Education, and subject to the regulations of the Education Department, any high school having— Collegiate institute, how constituted

1. Suitable school buildings, out-buildings, grounds and appliances for physical training;

2. Library, containing standard books of reference bearing on the subjects of the programme;

3. Laboratory, with all necessary chemicals, and apparatus for teaching the elements of sciences;

4. Four masters at least, each of whom shall be specially qualified to give instruction in one of the following departments: Classics, Mathematics, Natural Science and Modern Languages, including English;

5. Such other assistants as will secure thorough instruction in all the subjects on the curriculum of studies for the time being sanctioned by the Education Department for collegiate institutes;

May be constituted a collegiate institute by order of the Lieutenant-Governor in Council. 48 V. c. 50, s. 13.

TRUSTEES.

Number and
qualification
of trustees.

14.—(1) Every high school board shall, except as hereinafter provided, consist of six trustees, and every trustee for the time being shall hold office until his successor is appointed.

(2) Any ratepayer of the full age of twenty-one years, and not disqualified under this Act, shall be eligible to be appointed a high school trustee. 48 V. c. 50, s. 14.

Trustees
in counties,
towns and in-
corporated
villages.

15. In counties and towns not separated from the county for municipal purposes, and in incorporated villages, three trustees shall be appointed from time to time by the county council, and three by the municipal council of the town or incorporated village in which the high school is situated, one of whom in the order of his appointment in each case shall retire from office on the thirty-first day of January in every year. 48 V. c. 50, s. 15.

Trustees
in unincorpor-
ated villages
and townships.

16. In unincorporated villages and townships the county council shall appoint a board of six trustees, and shall by by-law determine their continuance and succession of office. 48 V. c. 50, s. 16.

Trustees in
cities and
separated
towns.

17.—(1) In every city and town separated from the county for municipal purposes, the council shall at the first meeting thereof after being duly organized, held in the month of January in each year, appoint two trustees to fill the vacancies caused by the annual retirement of that number of trustees from the high school board.

(2) When and so long as the only high school of the county is situated within a city, the council of such county and city respectively, shall appoint three of the trustees of such high school. 48 V. c. 50, s. 17.

Vacancies,
how filled.

18. Vacancies arising from the annual retirement of trustees shall be filled at the first meeting thereof after being duly organized in January in each year, by the councils or board of trustees empowered under this Act to make appointments; and vacancies arising from death, resignation or removal from the municipality, or otherwise shall be filled up as they occur by the municipal council or board of trustees having the right of appointment, and the person appointed to fill such vacancy shall hold office only for the unexpired part of the term for which the person whose place has become vacant was appointed to serve. 48 V. c. 50, s. 18.

Appointment
by county
council of
Trustees in
separated
towns.

19. In case a county council raises annually by assessment an amount equal to the grant from the legislative appropriation which may be made to a high school situated in a town separated from the municipal jurisdiction

of such council; or, in case the county council and the council of the city or town separated agree upon the terms and conditions of union under which the high school of such city or town is constituted the high school of the county as well as of the city or town, three of the trustees shall be appointed by the county council, and three by the municipality of the city, town, or incorporated village in which the high school is situated. 48 V. c. 50, s. 19.

20.—(1) Where there is a Roman Catholic separate school established under *The Separate Schools Act* in any city, town or incorporated village in which a high school is established it shall be lawful for the trustees of said separate school to appoint one trustee of and for such high school, provided always that in the case of a united high and public school board such trustee shall not take any part in the proceedings of such board in regard to any matter affecting the public school.

Appointment of trustee by trustees of Separate School.
Rev. Stat. c. 227.

(2) The selection and appointment of the said trustee under the provisions of this section shall be made annually in the month of January. 48 V. c. 50, s. 20.

21.—(1) The trustees of every high school shall be a corporation, by the name of "The ——— High School Board," (prefixing to the term "High School," or "Collegiate Institute," the name of the city, town or incorporated village, within which such high school or collegiate institute is situated), and shall have and possess all the powers usually enjoyed by corporations, so far as the same are necessary for carrying out the purposes of this Act.

High School trustees to be a corporation.

(2) The high school board of any district formed by the county council shall have all the powers within the said district possessed under this Act by high school boards generally in respect to the support and management of the high schools under their care. 48 V. c. 50, s. 21.

Powers of District Boards.

First Meeting.

22. The first annual meeting of the high school board shall be held on the first Wednesday in February, and shall be organized by the election of a chairman from amongst themselves and a secretary and treasurer or secretary-treasurer, and a majority shall form a quorum for the transaction of business at any meeting. 48 V. c. 50, s. 22; 50 V. c. 40, s. 2.

First meeting of Board.

23.—(1) Until a chairman is elected, the secretary for the previous year shall preside, or if there be no secretary, the members present shall select one of themselves to preside at the election of chairman, and the member so elected to preside may vote as a member.

President at first meeting of Board, until election of chairman.

Equality of votes on the election of chairman.

(2) In case of an equality of votes at the election of chairman of any such board, the member who is assessed as a ratepayer for the largest sum on the last revised assessment roll shall have a second or casting vote, in addition to his vote as a member. 48 V. c. 50, s. 23.

Chairman to vote.

24. The chairman or presiding officer of the board may vote with the other members of the board on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. 48 V. c. 50, s. 24.

Duties of Trustees.

Duties of Board.

25. It shall be the duty of every high school board—

To fix meetings of the Board.

1. To fix the times and places of the board meetings, the mode of calling and conducting them, and of keeping a full and correct account of the proceedings of such meetings ;

To take charge of High School.

2. To take charge of the high school for which they have been appointed trustees, and the buildings and land appertaining to it ;

To erect, repair, and furnish schools, etc.

3. To do whatsoever they may deem expedient with regard to erecting, repairing, furnishing, and keeping in order the buildings of such high school and the appendages, lands, and enclosures belonging thereto ;

To collect fees.

4. To settle the amount to be paid by parents and guardians for each pupil attending the high school, to fix the times of payment, and, when necessary, to sue for and recover such amounts, and to pay the same to the treasurer of the said high school board ;

To give orders for salaries and expenses.

5. To give the necessary orders upon the treasurer of the board for the payment of the salaries of the masters, assistants, and other officers and servants of the high school, and of any other necessary expenses ;

To apply to Councils for sums for maintenance.

6. To apply to the council of the municipality, or councils of the respective municipalities, liable under this Act, on or before the first day of August, for such sum or sums as said board may require for the maintenance, accommodation, and other necessary expenses of their high school, and as said council is required by this Act, to raise by local assessment for these purposes ;

Security from treasurer.

7. To take such security from the treasurer of the board as they may deem expedient. 48 V. c. 50, s. 25 (1-7).

Expulsion of pupils.

8. To expel, on the report of the head master, any pupil whose conduct may be deemed injurious to the welfare of the school ; and to expel any pupil whose parents or guardians neglect or refuse to pay the tuition fees of such pupil after reasonable notice. 48 V. c. 50, s. 25 (8) ; 50 V. c. 40, s. 3.

To appoint and remove masters, assistants,

9. To remove, if they see fit, and in case of vacancies, appoint a legally qualified master and assistants in the high school, and to fix their salaries and prescribe their duties ;

10. To appoint such other officers and servants in the high school as they may judge expedient, and fix their remuneration ;

officers and servants.

11. To see that the high school is conducted according to the provisions of this Act, and of the regulations prescribed by the Education Department ; that the pupils of the high school are supplied with proper text-books ; and that public half-yearly examinations of the pupils are held, and due notice given of them ;

Conduct of School.

Text-books.

Examinations.

12. To prepare and transmit, before the fifteenth day of January, to the Minister of Education, an annual report, certified by the head master and trustees in accordance with a form provided by the Education Department for that purpose. 48 V. c. 50, s. 25 (9-12).

To make an annual report to Minister.

Property vested in Trustees.

26. All property heretofore given or acquired in any municipality, and vested in any person or persons, or corporation, for high school purposes, or which may hereafter be so given or acquired, shall vest absolutely in the corporation of high school trustees having the care of the same, subject to such trusts as may be declared in the deed or instrument under which such property is held. 48 V. c. 50, s. 26.

High School property vested in Trustees.

27. In case any lands in Ontario have been, or after the passing of this Act are surrendered, granted, devised, or otherwise conveyed to the Crown, or to the trustees of any high school or to any trustees, in trust for the purposes of, or as a site for, any such high school or for any other educational institution established in any county or place therein for the benefit of the inhabitants thereof generally, and in case such lands are found not to afford the most advantageous site for such school or institution, or there being no school or institution bearing the precise designation mentioned in the deed of surrender, grant, devise, or other conveyance, or in case it may be for the benefit of such school or institution that such lands should be disposed of, and others acquired in their stead, for the same purpose, or the proceeds of the sale applied thereto, then such lands may be surrendered and conveyed as hereinafter provided. 48 V. c. 50, s. 27.

Provision if lands granted for a school site are not suitable.

28. The trustees in whom any lands mentioned in the next preceding section are vested in trust as aforesaid, may (with the consent of the municipal council, expressed at a legal meeting and certified under the hand of the head and corporate seal of the municipality in which such school or institution has been or is to be established) surrender and convey such lands to the Crown unconditionally, and such conveyance shall vest the lands absolutely in the Crown, without formal acceptance by the Crown, the Lieutenant-Governor, or any other officer or person for the Crown. 48 V. c. 50, s. 28.

Such lands may be surrendered to the Crown.

Such lands to be sold for the benefit of school, etc.

29. Any lands surrendered, granted, devised or otherwise conveyed to the Crown for any such purpose as aforesaid, may be sold by the order of the Lieutenant-Governor in Council, and the proceeds applied to the purchase of other lands to be vested in the Crown for the purpose of the same school or institution, or in the case of there being no school bearing the precise designation intended as aforesaid by the person who granted or devised the lands to the trustees, from or through whom the lands so sold came to the Crown, then for the purposes of the high school or other public educational institution established for the benefit of the inhabitants of the municipality generally, which in the opinion of the Lieutenant-Governor in Council comes nearest in its purposes and designs to that intended by such persons as aforesaid. 48 V. c. 50, s. 29.

Lands purchased vested in Board.

Investment of surplus and proceeds.

30.—(1) If the proceeds are applied to the purchase of lands for high school purposes, the title to such lands may be vested in the board of trustees for any high school, by their corporate name; and if there is any surplus of the proceeds after such purchase, or if it is found that no lands are required as a site for, or for other purposes of, such school or institution, then the surplus or proceeds (as the case may be) may be invested or applied for the purposes of such school or institution, in such manner as the Lieutenant-Governor in Council deems most for the advantage thereof.

Purchasers not to see to trusts.

(2) No purchaser of land from the Crown under this Act shall be in any way bound to see to the application of the purchase money. 48 V. c. 50, s. 30.

Private rights protected.

31. Nothing in this Act shall impair the rights of any person in or upon any lands, in so far as such rights would have existed and could be exercised without this Act. 48 V. c. 50, s. 31.

MUNICIPAL GRANTS.

Grants in towns, incorporated villages and townships.

32. In the case of every high school in a town not withdrawn from the county, or in an incorporated village, or in a township, an amount equal to the amount paid by the Government shall be paid by the municipal council of the county in which such high school is situated, upon the application of the high school board; and such other sums as may be required for the maintenance and accommodation of the said high school, to the amount at least of the grant received from the legislative appropriation, shall be raised by the council of the municipality in which the high school is situate, upon the application of the high school board. 48 V. c. 50, s. 32.

Grant where several municipalities formed into one High School District.

33.—(1) In the case where two or more municipalities or portions thereof within the county have heretofore been formed into and continue to constitute one high school district, or in cases where two or more such minor municipalities or portions

thereof within the same county hereafter agree to form and constitute themselves into a high school district, then such sums as may be required for the maintenance and accommodation of the said high school (to the amount at least of the grant from the legislative appropriation), shall be provided by the municipalities of such high school district upon the application of the high school board, and such sums shall be raised in the manner provided in this Act, and any by-law of the council of a minor municipality for uniting any portion of it to another municipality within the same county for high school purposes, shall be deemed the agreement of such portion, and shall be passed by such council if petitioned for by two-thirds in number of all the tax payers of such portion.

(2) Any such by-law of the council of a minor municipality for dissolving such union of the whole, or a portion thereof with the whole or a portion of another municipality, and duly passed in manner and on petition as aforesaid, shall have the effect of dissolving such union, without the concurrence or any other act on the part of such other municipality or portion thereof, but such by-law shall not come into operation until the first day of January next following the lapse of six months from the passing thereof by the said council, but such dissolution shall not relieve such minor municipality or part thereof from any rates imposed by the board of high school trustees for the issue of debentures or any other debts incurred before the date of such dissolution. 48 V. c. 50, s. 33; 50 V. c. 40, s. 4.

34. In the case of cities and towns separated from the county for municipal purposes it shall be the duty of the municipal council to provide such sums as may be required for the maintenance and accommodation of the high school, upon the application of the high school board, subject to the provisions of this Act. 48 V. c. 50, s. 34.

Council to provide sums required for maintenance.

35.—(1) In any case where a high school board may require the municipal council to raise or borrow a sum of money for the purchase of a school site, or the erection or purchase of any school-house or addition thereto, or for the purchase or erection of a teacher's residence, such municipal council may refuse to raise or borrow any such sum when it is so resolved by a two-thirds vote of the members present at the meeting of the council, for considering any by-law in that behalf.

Council may refuse to raise money for purchase of school site, etc.

(2) When the municipal council, by a two-thirds vote, refuse to raise or borrow the sum proposed, then such question shall be submitted by the municipal council, if requested by the high school board, to the vote of the electors of the municipality in the manner provided by *The Municipal Act* for the creating of debts, and in the event of the assent of the electors aforesaid being thereby obtained, then it shall be the duty of such council to raise or borrow such sum.

School Board may require question to be submitted to electors.

Rev. Stat. c. 184.

Debentures.

(3) Any debenture for any loan of money for school purposes may be for such term of years, not exceeding twenty, as the municipal council may think fit, and the municipal council may also in its discretion make the principal of such debt repayable by annual or other instalments, in the manner provided by section 342 of *The Municipal Act*. 48 V. c. 50, s. 35.

Rev. Stat. c. 184, s. 342.

Rev. Stat. c. 184.

(4) Nothing in this section contained shall be construed to mean that the municipal council may not if deemed expedient, without submitting the same to a vote of the ratepayers of such municipality, as required by *The Municipal Act*, for the creating of debts, pass a by-law for the purpose of raising or borrowing money, on the requisition of the high school board, for any of the purposes named in this section. 50 V. c. 40, s. 5.

36. The Council of every municipality, may pass by-laws for the following purposes :

Aiding High Schools.

1. For making provision by assessment in addition to that required to be made by this Act, for procuring sites for high schools, for renting, building, repairing, furnishing, and keeping in order high school houses and their appendages, grounds and enclosures ;

Lands for High Schools

2. For obtaining within the county, or in any city or town separated from the county, as the wants of the people may require, the real property requisite for erecting high school houses thereon, and for other high school purposes, and for preserving, improving, and repairing such high school houses, and for disposing of such property when no longer required ;

Additional provision.

3 For making provision (additional to that required to be made by this Act) in aid of such high schools, as may be deemed expedient by the council ;

Expenses of pupils competing for scholarships, etc.

4. For making a permanent provision for defraying the expenses of the attendance at the University of Toronto, and at the Upper Canada College, of such of the pupils of the high schools or of the county as are unable to incur the expense, but are desirous of, and in the opinion of the respective masters of such high schools possess competent attainments for competing for any scholarship, exhibition or other similar prize, offered by such University or College ;

Attendance at High School.

5. For making similar provision for the attendance at any high school, or for like purposes, of pupils of the public schools of the municipality ;

Endowing fellowships, etc.

6. For endowing such fellowships, scholarships, or exhibitions, and other similar prizes in the University of Toronto and in the Upper Canada College, for competition among the pupils of the high schools of the county, as the council deems expedient for the encouragement of learning among the youth thereof. 48 V. c. 50, s. 36 ; 50 V. c. 40, s. 6.

37.—(1, All moneys raised in any municipality or high school district, by local assessment, subscription, fees or otherwise, under the authority of this Act, shall be paid over to the high school treasurer in such municipality or district on or before the fourteenth day of December in every year.

Moneys to be paid to treasurer, on or before fourteenth December.

(2) The treasurer of every high school board shall give security to the board appointing him for the due and faithful performance of his duties, and shall submit his accounts to the municipal auditors, whose duty it shall be to audit them in the same manner as the municipal treasurer's accounts are audited. 48 V. c. 50, s. 37.

Security by Treasurer and audit of his accounts.

ENTRANCE EXAMINATIONS.

38. There shall be a uniform entrance examination for the admission of pupils to the high schools, at such times and places, on such subjects, and according to such regulations as may be prescribed from time to time by the Department of Education. 48 V. c. 50, s. 38.

Examinations to be uniform.

39. The board of examiners for the admission of pupils to each high school shall consist of the public school inspector for the county, city, town, or district in which the high school is situated, the head master of the high school, and the chairmen of the high, public, and separate school boards, respectively. 48 V. c. 50, s. 39.

Board of Examiners.

40. The remuneration of the examiners shall be not less than \$4 per day for presiding at such examination and for reading and valuing examination papers, but it shall be lawful for the county council, or in case of cities or towns separated from the county, for the board of trustees, or board of education, in lieu of such per diem allowance to pay said board of examiners a sum equal to seventy-five cents for every pupil presenting himself for examination, such sum to be divided among such members of the board of examiners as may be engaged in presiding and in reading and valuing examination papers in such proportions as the board may by resolution from time to time determine. 48 V. c. 50, s. 40.

Remuneration of examiners.

41. Any pupil passing the required examination may be admitted to a high school provisionally, but it shall be competent for the Minister of Education, on the report of the central committee, to confirm, disallow, or cancel the admission of any pupil, or to require of any pupil further tests of proficiency in any of the prescribed subjects of examination. 48 V. c. 50, s. 41.

Admission of pupils provisionally.

42. In cities and towns separated from the county the expenses of the examination shall be borne in equal proportions by the public and high school boards, after deducting any fees

Expenses of examination how defrayed.

authorized by the Department of Education; and in all other cases the expenses shall be borne by the county council, after deducting fees as aforesaid. 48 V. c. 50, s. 42.

RESIDENCE OF PUPILS.

Admission of pupils from county.

43.—(1) Pupils residing in any part of the county or union of counties, shall have the right to attend any of the high schools in the county or union of counties, upon the same terms as to payment of fees, or otherwise, as pupils resident in the town, incorporated village, or school division, within which the high school is situated.

Exception.

(2) This section shall not apply to high schools in cities and towns separated from the county for municipal purposes, unless the county council provides the required equivalent to the legislative grant. 48 V. c. 50, s. 43.

HIGH SCHOOL MASTERS.

Head Masters to be University graduates.

44. No person shall be qualified to be appointed head master of a high school unless he is a graduate in Arts of some University within the British Dominions, and furnishes satisfactory evidence to the Education Department of his knowledge of the science and art of teaching, and of the management and discipline of schools; but any person legally qualified and employed as head master in any high school before the twenty-fourth day of March, 1874, shall be deemed qualified notwithstanding this section. 48 V. c. 50, s. 44.

Settlement of disputes.

45. All matters of difference between trustees, masters and assistants of high schools in regard to salary or other remuneration, shall be brought and decided in the Division Court, by the Judge of the County Court, in each county: provided always, that the decision of any County Judge in such cases may be appealed from, as provided for in *The Public Schools Act*. 48 V. c. 50, s. 45.

Rev. Stat. c. 225.

Division Court judgment may be enforced.

46. In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of the preceding section, and not appealed from, execution may issue from time to time to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recovered in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder. 48 V. c. 50, s. 46.

Teacher entitled to salary during holidays and vacations.

47.—(1) Every master or assistant of a high school shall be entitled to be paid his salary for the authorized holidays occurring during the period of his engagement with the trustees, and in case his engagement extends three months

or over he shall then be paid in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year.

(2) In case of sickness, certified by a medical man, he shall be entitled to his salary during such sickness for a period not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees. 48 V. c. 50, s. 47. Case of sickness. Four weeks allowed.

48. Every master and assistant of a high school shall, in the organization, discipline, management and classification of the pupils be subject to such regulations as may be prescribed by the Education Department. 48 V. c. 50, s. 48. Teachers subject to regulations of Education Department.

49. The provisions of *The Public Schools Act*, respecting superannuation shall apply to masters and assistants of high schools. 48 V. c. 50, s. 49. Superannuation. Rev. Stat. c. 225.

TERMS.

50. The high schools shall open on the seventh day of January, and close on the Thursday before Easter; they shall re-open on the first Tuesday after Easter, and close on the first Friday of July; they shall re-open on the last Monday of August, and close on the twenty-second day of December. 48 V. c. 50, s. 50. Terms.

PREPARATORY CLASSES OR SCHOOLS.

51.—(1) It shall be competent for the board of trustees of any high school to establish a preparatory school, class, or classes, for the preparation of pupils for admission to such high school. Preparatory classes.

(2) No master or assistant employed in the high school shall teach in such preparatory school, class, or classes. Provide as to teaching.

(3) No part of the legislative grant or of the county assessment for high school purposes shall be applied towards the expenses of the establishment, teaching or maintenance of such preparatory school, class, or classes. As to legislative grant.

(4) No additional local assessment for high school purposes shall be applied towards such expenses without the consent of the council of the municipality in which the high school is situated. 48 V. c. 50, s. 51. As to assessment.

LEGISLATIVE GRANT.

52. Any sum of money appropriated by the Legislative Assembly for high school purposes shall be apportioned by the Minister of Education on the basis of salaries paid to masters and assistants, the character and equipment of school buildings and appendages, and the average attendance of pupils, according to such regulations as may be passed from High School apportionment payable half-yearly.

time to time by the Education Department, approved by the Lieutenant-Governor in Council; and all moneys so apportioned shall be payable half-yearly to the treasurer of the high school board entitled to receive it, in such manner as may be determined by the Lieutenant-Governor, and notice of such apportionment shall be sent to each county clerk. 48 V. c. 50, s. 52.

Condition of
sharing in
High School
Fund.

53. No high school which is not conducted according to this Act, and to the regulations prescribed by the Education Department, shall be entitled to receive any part of the high school fund; nor unless a sum is provided from local sources, exclusive of fees, at least equal to the *minimum* sum apportioned to such high school, from the high school fund, and expended for high school purposes. 48 V. c. 50, s. 53.

Allowance for
elementary
military
instruction.

54.—(1) It shall be lawful for the Lieutenant-Governor in Council to prescribe a course of elementary military instruction for high school pupils, and to appropriate out of any money granted for the purpose a sum not exceeding \$50 per annum to any school employing a competent drill instructor, and in which school a class of not less than twenty-five pupils has been taught for a period of at least six months. 48 V. c. 50, s. 54 (1); 50 V. c. 40, s. 7.

Inspection.

(2) Such classes and instruction shall be subject to such inspection and oversight as the Lieutenant-Governor in Council may direct. 48 V. c. 50, s. 54 (2).

METEOROLOGICAL OBSERVATIONS.

Masters of
certain High
Schools shall
make and
transmit meteorological
observations.

55. The master of every high school at which a meteorological station is or may be authorized by the Education Department shall make the requisite observations for keeping, and shall keep, a meteorological journal embracing such observations, and kept according to such form as may from time to time be directed by the Education Department, and all such journals or abstracts of them shall be sent monthly by such master to the Minister of Education. 48 V. c. 50, s. 55.

Allowance for
making meteorological
report.

56. Every high school meteorological station at which the daily observations are made, as required by law, may be paid an apportionment, additional to that made to the High School out of the high school fund, at a rate not exceeding \$15 per month for each consecutive month during which such duty is performed, and satisfactory journals or monthly abstracts thereof are furnished to the Minister of Education (according to the form and regulations provided by the Education Department), by the head master observer, who shall certify that the observations required have been made with due care and regularity. 48 V. c. 50, s. 56; 50 V. c. 40, s. 8.

57. No high school trustee shall enter into any contract, agreement, engagement or promise of any kind, either in his own name, or in the name of another, and either alone or jointly with another, or in which he has any pecuniary interest, profit, or promised or expected benefit, with the corporation of which he is a member, or have any pecuniary claim upon or receive compensation from such corporation for any work, engagement, employment, or duty on behalf of such corporation, and every such contract, agreement, engagement or promise shall be null and void, and such trustee shall also *ipso facto* vacate his seat, and a majority of the other trustees shall declare the same vacant, and notify the clerk of the municipality. 48 V. c. 50, s. 57.

High School Trustees not to contract with Board.

58. If a trustee of any high school is convicted of any felony or misdemeanor, or becomes insane, or absents himself from the meetings of the board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be a resident within the school municipality for which he is a trustee, such trustee shall *ipso facto* vacate his seat, and the remaining trustees shall declare his seat vacant, and notify the clerk of the municipality accordingly. 48 V. c. 50, s. 58.

Vacancy in office of trustee, when caused.

59. Any person who wilfully interrupts or disquiets any high school established and conducted under the authority of this Act, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the high school shall, for each offence, on conviction thereof before a Police Magistrate or Justice of the Peace, on the affidavit of one credible witness, forfeit and pay for public school purposes to the school section, city, town or village within which the offence was committed, such sum not exceeding \$20 together with the costs of conviction, as the said Police Magistrate or Justice may think fit. 48 V. c. 50, s. 59.

Penalty for disturbing High Schools.

AUTHORIZED BOOKS.

60. No teacher shall use or permit to be used as text books any books in a high school, except such as are authorized by the Education Department, and no portion of the legislative or municipal grant shall be paid to any school in which unauthorized books are used. 50 V. c. 40, s. 9.

Only authorized text-books to be used.

61. Any authorized text book in actual use in any high school may be changed by the teacher of such school for any other authorized text book in the same subject on the written approval of the trustees, provided always such change is made at the beginning of a school term, and at least six months after such approval has been given. 50 V. c. 40, s. 9.

Change of text-book.

Substitution
of unauthor-
ized text-
books.

62. In case any teacher or other person shall negligently or wilfully substitute any unauthorized text book in place of any authorized text book in actual use upon the same subject in his school, he shall for each such offence, on conviction thereof before a Police Magistrate or Justice of the Peace, as the case may be, be liable to a penalty not exceeding \$10, payable to the municipality for high school purposes, together with costs, as the Police Magistrate or Justice may think fit. 50 V. c. 40, s. 9.

CHAPTER 227.

An Act respecting Separate Schools.

SHORT TITLE, s. 1.

PROTESTANT AND COLOURED SEPARATE SCHOOLS, ss. 2-17.

Establishment, ss. 2 (1), 7.

Limits, ss. 2, (2).

Trustees and their election, ss. 3, 5.

Commencement, s. 4.

Union of wards, s. 6.

Exemption from and right to certain rates and grants, ss. 8-11, 14.

Returns to inspector, ss. 12, 13.

Copy of assessment roll, s. 15.

Duties of trustees, s. 16.

Powers of trustees, s. 17.

ROMAN CATHOLIC SEPARATE SCHOOLS:

Application of Act, s. 18.

Interpretation, s. 19.

Union of wards, s. 20.

Establishment, s. 21.

Election of trustees, ss. 22, 23.

RURAL SEPARATE SCHOOLS, ss. 24-27.

Duties of trustees, s. 28.

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SCHOOL BOARDS IN CITIES, TOWNS AND VILLAGES:

Election of trustees, ss. 30, 31.

Duties of trustees, s. 32.

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Agreements with, s. 33.

Duties of, s. 34.

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AGREEMENT WITH MUNICIPAL COUNCIL FOR PAYMENT IN LIEU OF RATE, s. 56.

Deduction to be made by inspector from county rate, s. 57.

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Not to share local assessment for public schools, s. 60.

Return to Minister of Education, s. 62.

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Inspection, s. 64.

Model schools, s. 65.

Appointment of trustee of high school by trustees of separate school, s. 66.

Disagreement between trustees and inspectors, etc., s. 67.

Superannuation, ss. 68-78.

Holidays, s. 79.

Penalties and prohibitions, ss. 80-98.

Recovery of penalties, s. 99.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Separate Schools Act.*" Short title.
49 V. c. 46, s. 1.

PROTESTANT AND COLOURED SEPARATE SCHOOLS.

2.—(1) Upon the application in writing of five or more heads of families resident in any township, city, town or incorporated village, being Protestants, the municipal council of the said township or the board of school trustees of any such city, town or incorporated village, shall authorize the establishment therein of one or more separate schools for Protestants; and upon the application in writing of five or more heads of families resident in any township, city, town or incorporated village, being coloured people, the council of such township or the board of school trustees of any such city, town or incorporated village, shall authorize the establishment therein of one or more separate schools for coloured people, and in every such case, such council or board, as the case may be, shall prescribe the limits of the section or sections of such schools.

Conditions on which separate schools for Protestants and coloured people may be established.

(2) No person shall be a supporter of any separate school for coloured people unless he resides within three miles in a direct line of the site of the school house for such separate school. 49 V. c. 46, s. 2.

Restriction.

3. There shall be three trustees for each separate school, and the first meeting for the election of such trustees shall be held and conducted in the manner and according to section 27 of this Act. 49 V. c. 46, s. 4.

Election of trustees.

4. On the twenty-fifth day of December next, following the date of the application mentioned in section 2 of this Act, each such separate school shall go into operation, and shall, with respect to the persons for whom such school has been established, be under the same regulations as public schools generally. 49 V. c. 46, s. 5.

Commencement and regulations.

5. None but coloured people shall vote at the election of trustees of any separate school established for coloured people, and none but the persons petitioning for the establishment of, or sending children to, a Protestant separate school shall vote at the election of trustees of such school. 49 V. c. 46, s. 6.

Voters defined.

6. In any city or town the persons who make application, according to the provisions of section 2 of this Act may have a separate school in each ward, or in two or more wards united, as the said persons may judge expedient. 49 V. c. 46, s. 7.

Union of wards in cities and towns.

7. No Protestant separate school shall be allowed in any school section, except when the teacher of the public school in such section is a Roman Catholic. 49 V. c. 46, s. 8.

Special conditions.

Exemption
from public
school rates.

8. In all cities, towns, incorporated villages and township public school sections in which separate schools exist, every Protestant or coloured person (as the case may be) sending children to such school, or supporting the same by subscribing thereto annually an amount equal to the sum at which such person, if such separate school did not exist, must have been rated in order to obtain the annual legislative public school grant, shall be exempt from the payment of all rates imposed for the support of the public schools of such city, town, incorporated village and school section respectively, and of all rates imposed for the purpose of obtaining the public school grant. 49 V. c. 46, s. 9.

Exemption
conditional.

9. The exemption from the payment of school rates, as herein provided, shall not extend beyond the period during which such persons send children to or subscribe as aforesaid for the support of such separate school; nor shall the exemption extend to school rates or taxes imposed or to be imposed to pay for school-houses, the erection of which was undertaken or entered into before the establishment of such separate school. 49 V. c. 46, s. 10.

Not to share
in assessment.

10. Separate schools shall not share in school money raised by local municipal assessment for public school purposes. 49 V. c. 46, s. 11.

Share of legis-
lative school
grant deter-
mined.

11. Every separate school shall share in such legislative public school grant according to the yearly average number of pupils attending such separate school, as compared with the average number of pupils attending the public schools in each such city, town, incorporated village or township; the mean attendance of pupils for winter and summer being taken. 49 V. c. 46, s. 12.

Half-yearly
returns to the
inspector.

12. The trustees of every separate school shall, on or before the thirtieth day of June, and thirty-first day of December of each year, transmit to the county inspector a correct return of the names of all Protestant or coloured persons (as the case may be) who have sent children to, or subscribed as aforesaid for the support of, such separate school during the then last preceding six months, and the names of the children sent, and the amounts subscribed by them respectively, together with the average attendance of pupils in the separate school during such period. 49 V. c. 46, s. 13.

Inspector to
report to
clerk.

13. The county inspector shall, upon the receipt of the return, forthwith make a return to the clerk of the municipality in which the separate school is established, stating the names of all the persons who, being Protestants or coloured persons, (as the case may be), contribute or send children to the separate school. 49 V. c. 46, s. 14.

14. Except for any rate for building school-houses under-
 taken before the establishment of such separate school, the
 clerk shall not include in the collector's roll for the general or
 other school rate, and the trustees or board of trustees shall
 not include in their school rolls, any person whose name appears
 upon the last mentioned return. 49 V. c. 46, s. 15.

Clerks and
 trustees to
 exempt from
 rates sup-
 porters of
 separate
 schools.

15. The clerk or other officer of the municipality within
 which a separate school is established, having possession of
 the assessor's or collector's roll of the said municipality, shall
 allow any one of the said trustees, or their authorized collector,
 to make a copy of such roll as far as it relates to their school
 section. 49 V. c. 46, s. 16.

Clerk to allow
 use of asses-
 sor's roll.

16. The provisions of sections 28 to 39 inclusive of this
 Act, shall apply to the trustees and teachers of such separate
 schools. 49 V. c. 46, s. 17.

Application of
 ss. 28-39.

17. The trustees of every separate school shall be a body
 corporate under the name of "The Trustees of the Protestant
 Coloured or Separate School of (as the case may be),
 in the township (city or town, as the case may be) of
 and shall have such power to impose, levy and collect school
 rates or subscriptions, upon and from persons sending children
 to, or subscribing towards the support of, the separate school
 as are provided in section 53 of this Act. 49 V. c. 46, s. 18.

Separate
 school trustees
 to have same
 power as
 public school
 trustees.

ROMAN CATHOLIC SEPARATE SCHOOLS.

18. The sections and provisions hereinafter in this Act
 contained are enacted in respect of separate schools for Roman
 Catholics, whether now or hereafter established. 49 V. c.
 46, s. 19.

Application of
 following
 part of Act.

19. Where the words following occur in this Act they
 shall be construed in the manner hereinafter mentioned unless
 a contrary intention appears:

Interpreta-
 tion.

1. "Rural school" shall signify and mean a separate school
 for Roman Catholics now or hereafter established within a
 township;

"Rural
 School."

2. "Urban school" shall signify and mean a separate school
 for Roman Catholics now or hereafter established within a
 city, town or incorporated village;

"Urban
 School."

3. "Separate school" shall signify and mean a separate
 school for Roman Catholics now or hereafter established. 49
 V. c. 46, s. 20.

"Separate
 School."

20. The trustees of separate schools for Roman Catholics
 heretofore elected, or hereafter to be elected, according to the
 provisions of this Act, in the several wards of any city or town,
 or incorporated village, shall form one body corporate, under

Union of
 wards in
 towns or
 cities.

the title of "The Board of Trustees of the Roman Catholic Separate Schools for the City (or Town, or Incorporated Village) of _____."

49 V. c. 46, s. 21.

Five heads of families being Roman Catholics may call a meeting to establish a separate school.

21. Any number of persons, not less than five, being heads of families, and householders or freeholders resident within any school section of any township, incorporated village or town, or within any ward of any city or town, and being Roman Catholics, may convene a public meeting of persons desiring to establish a separate school for Roman Catholics in such school section or ward, for the election of trustees for the management of the same. 49 V. c. 46, s. 22.

Election of separate school trustees.

22. A majority of the persons present, being householders or freeholders, and Roman Catholics, and not candidates for election as trustees, may, at such meeting, elect three persons resident within such section or an adjoining section, to act as trustees for the management of such separate school. 49 V. c. 46, s. 23.

Written notice of such meeting to be given; and to whom and in what manner.

23. Notice in writing that such meeting has been held, and of such election of trustees, shall be delivered by one of the trustees so elected to the reeve or head of the municipality, or to the chairman of the board of public school trustees, in the township, incorporated village, town or city in which the school is about to be established, designating by their names, occupations and residences, the persons elected in the manner aforesaid, as trustees for the management thereof; and it shall be the duty of the officer receiving the same to endorse thereon the date of the receipt thereof, and to deliver a copy of the same so endorsed and duly certified by him to such trustee, and from the day of the delivery and receipt of every such notice, or in the event of the neglect or refusal of such officer to deliver a copy so endorsed and certified, then from the day of the delivery of the notice the trustees therein named shall be a body corporate, under the name of "The Trustees of the Roman Catholic Separate School for the section number _____ in the Township of _____, or for the ward of _____, in the City or Town (as the case may be), or for the Village of _____ in the County of _____."

49 V. c. 46, s. 24.

Corporate name of trustees.

RURAL SEPARATE SCHOOLS.

Trustees' term of office.

24. For every rural school there shall be three trustees, each of whom, after the first election of trustees, shall hold office for three years, and until his successor has been elected. 49 V. c. 46, s. 25.

Trustees' qualification.

25. Any person being a British subject, not less than twenty-one years of age, may be elected as a trustee whether he be a householder or freeholder or not. 49 V. c. 46, s. 26.

26. Every householder or freeholder of the full age of twenty-one years, who is a supporter of a rural separate school, shall be entitled to vote at any election for school trustee, or on any school question whatsoever, at any annual or special meeting of the supporters of such school. 49 V. c. 46, s. 27. Electors, qualification of.

27. The trustees of every rural school shall hold office and be elected as hereinafter provided, and the time and mode of election, appointment and duties of chairman and secretary at the annual meeting, term of office and manner of filling up vacancies, shall likewise be as hereinafter provided, that is to say: As to time and mode of elections.

1. A meeting of the supporters of the rural school shall be held annually on the last Wednesday of December, or if such Wednesday be a holiday, then on the next day following, commencing at the hour of ten o'clock in the forenoon, for the purpose (among other things) of electing a school trustee or trustees. Annual meeting, when held.

2. In case from the want of proper notice or other cause, any first or annual meeting of separate school supporters, required to be held for the election of trustees, was not held at the proper time, any two supporters of a separate school may call a school meeting, by giving six days' notice, to be posted in at least three of the most public places in the locality in which the school is situate; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. Meetings to be called in default of first or annual meetings.

3. The supporters of the separate school present at the meeting shall elect one of their own number to preside over its proceedings, and shall also appoint a secretary who shall record the proceedings of the meeting and perform such other duties as may be required of him by this Act. Order of business.

(a) The business of the meeting may be conducted in the following order: receiving the annual report of the trustees, and disposing of the same; receiving the annual report of the auditor or auditors, and disposing of the same; electing an auditor for the current year; miscellaneous business; electing a trustee or trustees to fill any vacancy or vacancies.

4. The chairman shall preside and submit all motions to the meeting in the manner desired by the majority. In case of an equality of votes, he shall give the casting vote but no other vote. He shall decide all questions of order subject to an appeal to the meeting. Chairman, duties of.

5. When a poll is demanded by two supporters of a rural school at the meeting for the election of a trustee, the chairman shall forthwith grant the same, and the secretary shall thereupon immediately proceed to record, as herein directed, the names of all qualified supporters of the rural Proceedings in case of a poll.

school who shall present themselves within the time prescribed by this Act, and the secretary shall enter in the poll-book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the supporters offering to vote at the election, and shall, in the column on which is entered the name of a candidate voted for by a supporter, set the figure "1" opposite the supporter's name, with the residence of such supporter.

Entries in poll book.

6. In case a poll is demanded upon a rural school question by any two supporters, the name of each supporter shall be similarly placed in separate columns marked "for" or "against."

When voter is objected to.

7. In case any objection is made to the right of a person to vote at any annual or special meeting, either for trustee or upon any school question, the chairman of the meeting, or other officer presiding, shall require the person whose right of voting is objected to, to make the following declaration or affirmation :

Declaration.

(a) I, *A. B.*, do declare and affirm, that I am an assessed householder or freeholder in Separate School Section

(b) That I am of the full age of 21 years.

(c) That I am a supporter of the Roman Catholic Separate School in said School Section No. —.

(d) That as such supporter I have the right to vote at this meeting of the supporters of such school.

Whereupon the person making such declaration shall be entitled to vote.

When poll shall close.

8. The poll at any such election of a separate school trustee or trustees, or on any school question, shall not close before eleven o'clock in the forenoon, but may close at any time thereafter when a full hour has elapsed without any vote having been polled, and shall not be kept open later than four o'clock in the afternoon of the day on which the election is commenced.

Term for vacancies.

9. A trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected.

Trustees may resign.

10. A trustee may resign with the consent, expressed in writing, of his colleagues in office.

Re-election of any trustees lawful.

11. Any retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office.

Term of office of each trustee.

12. The trustees elected at a first rural school meeting shall respectively continue in office as follows :—

- (a) The first person elected shall continue in office for two First.
years, to be reckoned from the annual school meet-
ings next after his election, and thence until his
successor has been elected ;
- (b) The second person elected shall continue in office for Second.
one year, to be reckoned from the same period, and
until his successor has been elected ;
- (c) The third, or last person elected, shall continue in office Third.
until the next ensuing annual school meeting and
until his successor has been elected.

13. A correct copy of the minutes of a first and of every Copy of min-
annual and of every special school meeting, signed by the utes to be sent
chairman and secretary, shall be forthwith transmitted by the to inspector.
chairman of such meeting to the Education Department. 49 V.
c. 46, s. 28.

Duties of Trustees.

28. The trustees of every rural school shall have power Powers and
and shall perform duties similar to those of the trustees of duties of
public schools in school sections, that is to say : trustees.

1. Every board of rural school trustees (a majority of Constitution
whom shall form a quorum) shall be constituted by the election of Board.

- (a) The secretary-treasurer, who may be a member of the
board, shall give such security as may be required
by a majority of the trustees : and such security
shall be deposited with the chairman of the board
of separate school trustees.

2. It shall be the duty of the secretary-treasurer :

- (a) To keep a full and correct record of the proceedings Secretary-
of every meeting of the board in the minute-book treasurer,
provided by the trustees for that purpose, and to duties of.
see that the minutes, when confirmed, are signed
by the chairman or presiding trustee ;
- (b) To receive all school moneys collected from the sup-
porters of such school, and to account for the same ;
- (c) To disburse all moneys in the manner directed by a
majority of the trustees ;
- (d) To produce, when called for by the trustees, auditors
or other competent authority, all papers and moneys
belonging to the corporation ;
- (e) To call at the request in writing of two trustees a
special meeting of the board of trustees.

3. Notice of all meetings shall be given by the secretary Notices of
to each of the trustees, or by any one of the trustees to the meetings, how
others, by notifying them personally, or in writing, or by send- given.
ing a written notice to their residences.

Corporate acts must be adopted at lawful trustee meetings.

4. No act or proceeding of a rural school corporation which is not adopted at a regular or special meeting of the trustees, shall be valid or binding on any person affected thereby, unless notice has been given as required by this Act and unless at least two trustees are present.

Appointment of auditor.

5. Every board of rural school trustees shall annually, on or before the first day of December, appoint an auditor, and in case of their neglect, or the neglect of the ratepayers at an annual or special meeting to do so, or in case of an auditor being appointed or elected who refuses, or is unable to act, then the Minister of Education may (at the request in writing of any five supporters of such rural school) make such appointment.

Information to be given to auditors.

6. It shall be the duty of the trustees or their secretary-treasurer, to lay all their accounts before the auditors of the school, or either of them, together with the agreements, vouchers, contracts and books in their possession, and such trustees or their secretary-treasurer, shall afford to the auditors, or either of them, all the information in their or his power as to the receipts and expenditures of school moneys.

Meetings to be appointed by the trustees.

7. The trustees shall appoint the place of each annual school meeting of the supporters of the school for which they are the trustees; and the time and place of a special meeting of the same for (1) the filling up of any vacancy or vacancies in the trustee corporation occasioned by death, removal, or other cause; (2) for the selection of a new school site; (3) the appointment of a school auditor; or (4) any other lawful school purpose, as they may think fit and proper; and to cause notices of the time and place, and of the objects of such meetings, to be posted in three or more public places of the neighbourhood in which the school is situate at least six days before the time of holding such meeting.

Filling vacancies.

Notice.

Adequate accommodation.

8. The trustees shall provide adequate accommodation and a legally qualified teacher or teachers, according to the provisions of this Act or the regulations prescribed by the Education Department, for all children between the ages of five and twenty-one years belonging to the supporters of their school.

Apply to municipality for school moneys.

9. Every such board may apply to the township council at or before its meeting in August for the levying and collecting by rate, all sums for the support of their school or schools, and for any other school purposes authorized by this Act to be collected from the supporters of such separate school.

Arrange payment of salaries.

10. The trustees shall arrange for the payment of teachers' salaries quarterly and, if necessary, borrow on their promissory note, under the seal of the corporation, at interest not exceeding eight per cent. per annum, such moneys as may be required for that purpose until the taxes imposed therefor are collected.

Repairing, etc., school house.

11. The trustees shall keep the school-house, furniture, out-buildings and enclosures in proper repair and where there is

no suitable school-house or where two or more school-houses are required, build or rent a house or houses and keep such house or houses, its or their furniture, outbuildings and enclosures in proper repair.

12. The trustees shall give notice in writing, before the 15th day of January in each year, to the Education Department, of the names and post-office addresses of the several trustees then in office, and of the teachers employed by them, and give reasonable notice in writing, from time to time, of any changes therein.

Names and addresses of trustees and teachers to be sent to Education Department.

13. The trustees may exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons; notice of such exemption, when the school rate is collected by the municipality, shall be given by the trustees to the clerk of the municipality, on or before the 1st day of August.

Exempt indigent persons.

14. The trustees may dismiss from the school any pupil who shall be adjudged so refractory by the trustees (or by a majority of them), and the teacher, that his presence in school is deemed injurious to the other pupils, and where practicable, remove such pupil to an industrial school.

Dismissal of refractory pupils.

15. Every board of trustees shall take possession and have the custody and safe keeping of all school property which has been acquired or given for school purposes; and may acquire and hold as a corporation, by any title whatsoever, land, movable property, moneys or income given or acquired by the board at any time for school purposes, and shall hold or apply the same, according to the terms on which the same were acquired or received; and may dispose, by sale or otherwise, of any school site or school property not required by them in consequence of a change of school site, or other cause; and convey the same under their corporate seal, and apply the proceeds thereof to their lawful school purposes, or as directed by this Act.

Custody of school property.

Sale of school site or other property.

16. Such trustees shall visit, from time to time, every school under their charge, and see that it is conducted according to law and the authorized regulations, and shall provide school registers and a visitors' book, in the form prescribed by the Education Department.

Visiting schools.

17. The trustees shall cause to be prepared and read at the annual meeting of the supporters of every rural school, a report for the year then ending, containing, among other things, a summary of their proceedings during the year, together with a full and detailed account of the receipts and expenditure of all school moneys received and expended in behalf of the school for any purpose whatever, during such year, and signed by the trustees, and by either or both of the school auditors.

Report at annual meeting.

18. The trustees shall transmit to the Education Department the semi-annual returns on or before the 30th day of

Annual and semi-annual returns.

June and 31st day of December respectively, and the annual return on or before the 15th day of January, in each year, according to the forms prescribed by the Education Department. 49 V. c. 46, s. 29.

Notice for
union of
school sec-
tions.

Union formed.

29.—(1) It shall be lawful for the majority of the supporters of the rural school, in each separate school section, whether the sections be in the same or adjoining municipalities, at a public meeting duly called by the separate school trustees of each such section, to form the sections into a separate school union section, of which union of sections the trustees shall give notice within fifteen days to the clerk or clerks of the municipality or municipalities, and to the Minister of Education; and every separate school union section thus formed shall be deemed one school section for all Roman Catholic separate school purposes, and shall every year thereafter be represented by three trustees, to be elected as provided in section 27 of this Act.

Corporate
name of trus-
tees for union.

(2) The said trustees shall form a body corporate, under the title of "The Board of Trustees of the Roman Catholic United Separate Schools for the United Sections Nos.

(*as the case may be*) in the

(*as the case may be*)."

49 V. c. 46, s. 30.

SEPARATE SCHOOL BOARDS IN CITIES, TOWNS AND INCORPORATED VILLAGES.

30. Where in any city, town or incorporated village, a separate school is now or may hereafter be established, the following provisions shall apply:

Trustees in
city, etc.,
divided into
wards.

1. For every ward into which any city, town or incorporated village is divided there shall be two school trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected.

2. One of the trustees in each ward (to be determined by lot at the first meeting of trustees after their election which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other shall continue in office one year longer and then retire.

Trustees in
village not
divided into
wards.

3. In every incorporated village not divided into wards there shall be six trustees, each of whom, after the first election for trustees, shall continue in office for two years and until his successor has been elected.

4. Three of the trustees (to be determined by lot at the first meeting of trustees after their election which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other three shall continue in office one year longer and then retire.

5. Every trustee shall continue in office until his successor Term of office.
has been elected. 49 V. c. 46, s. 31.

31. The annual and other meetings of urban school supporters, and meetings for the election of trustees and the annual and other meetings of urban school trustees, shall conform to and be subject to the following provisions: Provisions for elections of trustees of urban schools.

1. A meeting of the supporters of every urban school for the nomination of candidates for the office of school trustee, shall take place at noon on the last Wednesday in the month of December annually, or if a holiday on the day following at such place as shall from time to time be fixed by resolution of the separate school board, and in municipalities divided into wards, in each ward thereof, if the board in its discretion thinks fit. Nominations.

2. The trustees of such urban school shall by resolution name the returning officer or officers to preside at the meeting or meetings for the nomination of candidates, and in case of the absence of such officer, the chairman chosen by the meeting shall preside, and the trustees shall give at least six days notice of the meeting. Returning officer.

3. If at the meeting only the necessary number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding, after the lapse of one hour, shall declare such candidates duly elected, and shall notify the secretary of the urban school board; but if two or more candidates are proposed for any one office, and a poll in respect of such office is demanded by any candidate or urban school supporter, the returning officer or chairman shall adjourn the proceedings for filling the office until the first Wednesday of the month of January then next, when a poll or polls shall be opened at such place or places, and in each ward, where such exist, as shall be determined by resolution of the said trustees. Proceedings at nominations.

4. The poll or polls shall be opened at the hour of ten of the clock in the forenoon, and shall continue open until four o'clock in the afternoon, and no longer, and a poll may close at any time after eleven o'clock in the forenoon, when a full hour has elapsed without any vote having been polled. Hours of polling.

5. The urban school board shall, before the second Wednesday in December in each year, by resolution, fix the place or places for the nomination meeting, and also for holding the election in case of a poll, and also name the returning officer who shall preside at the respective polling places, and forthwith give public notice thereof. Place for nomination and election.

6. The returning officer or person presiding shall, on the day after the close of the election, return the poll book to the secretary-treasurer of the urban school board with his Duty of returning officer after close of election.

solemn declaration thereto annexed, that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer.

Duty of
secretary.

7. The secretary-treasurer shall add up the number of votes for each candidate for any office, as appears from the poll book so returned, and shall declare elected the candidate or candidates having the highest number of votes; and a majority in number of the trustees remaining in office shall be a quorum for the foregoing purposes.

Casting vote.

8. In case two or more candidates have an equal number of votes, the member of the board present who is assessed highest as a supporter of the urban school on the last revised assessment roll shall, at the time of declaring the result of the poll, give a vote for one or more such candidates, so as to decide the election.

Judge of
County Court
to receive and
investigate
complaints.

9. The Judge of the County Court, in case any complaint respecting the validity or mode of conducting the election of any trustee of an urban school board, in any municipality within his county, is made to him within twenty days after such election, shall receive and investigate such complaint, and shall thereupon, within a reasonable time, in a summary manner, hear and determine the same; and may by order cause the assessment rolls, collector's rolls, poll books, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such person or persons to appear before him as he may deem expedient, and may confirm the said election or set it aside, or declare that some other candidate was duly elected; and the Judge may order the person found by him not to have been duly elected to be removed; and in case the Judge determines that any other person was duly elected, the Judge may order him to be admitted; and, in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall order a new election to be held, and shall report such decision to the secretary-treasurer of the urban school board.

Vacancy in
office of
trustees.

10. In case of a vacancy in the office of trustee of any urban school board arising from any cause, the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy so created, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is filled.

Proceedings at
new election.

11. The new election shall be conducted in the same manner and be subject to the same provisions as an annual election, and the urban school board shall give at least six days' notice of the nomination of candidates, and in case a poll be demanded, the election shall be held one week from the day of said nomination.

12. The voting for the election of trustees and for all other urban school purposes, shall be by open vote. Voting to be open.

13. In cities and towns divided into wards, the clerk of the municipality shall furnish to the separate school board, within three days after request in writing, "the voters' list" for each ward of such municipality, annexing thereto a list of the names of persons being supporters of separate schools for Roman Catholics, and also a list of the names, alphabetically arranged, of all ratepayers and persons entitled to vote in respect of income, rated upon the then last revised assessment roll, and not being already upon "the voters' list." In cities and towns divided into wards, clerk of municipality to furnish Voters' List to school board.

14. In towns not divided into wards and villages, the clerk of the municipality shall furnish to the urban school board within three days after request in writing, "the voters list" for each polling subdivision in case of such town or village as provided by the last preceding sub-section. In towns not divided into wards, and in villages, clerk to furnish Voters' List to school board.

15. The urban school board shall provide every polling place with the list aforesaid, and also a poll book; and, at every election at which a poll is demanded, the returning officer or person presiding, or his sworn poll clerk, shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the urban school supporters offering to vote at the election, and shall, in each column on which is entered the name of a candidate voted for by any such school supporter, set the figure "1" opposite the supporter's name, with his residence, and in case of a poll demanded upon any urban school question, the name of each such school supporter shall be similarly placed in separate columns, marked "for" or "against." Certified copy of list and a poll book to be provided for each polling place. Entries in poll book.

(a) In case any objection is taken to the right of any person to vote at any meeting of the supporters of an urban school, the chairman of the meeting or other officer presiding shall require the person whose right to vote is objected to, to take the declaration mentioned in sub-section 7 of section 27 of this Act.

16. It shall be the duty of the board to call and give notice of annual and special school meetings of urban school supporters of the city, town or village, or of any ward therein, for filling vacancies in the school trustee corporation, or for any other purpose, in the manner prescribed by this Act. Trustees to give notice of annual and special meetings.

17. When any supporter of an urban school resides without the municipality in which the school is situate, he shall be entitled to vote in that ward or division of the municipality in which the school house is situate which is nearest to his place of residence. Where person residing out of municipality to vote.

- Election of trustees, when to become void.** 18. The election of trustees for any urban school shall become void unless a separate school is established under their management within three months from the election of such trustees.
- President at first meeting.** 19. At the first meeting in each year of every urban school board, the secretary of the board shall preside, or, if there be no secretary, the members present shall select one of themselves to preside at the election of chairman, and the member so selected to preside may vote as a member.
- Casting vote.** 20. In case of an equality of votes at the election of chairman of such board, the member who is assessed as a separate school supporter for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member.
- Meetings of board.** 21. Subsequent meetings of the board shall be held at such times and places as may, from time to time, be fixed by resolution of the board.
- Presiding officer of board.** 22. The chairman of the board shall preside, or in his absence, any other person appointed to act as chairman by the majority of those present, and the chairman or person so acting, may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived.
- Quorum of school boards, etc.** 23. A majority of the members of the board, when present at any meeting, shall constitute a quorum, and the vote of the majority of the quorum shall be valid to bind the corporation. 49 V. c. 46, s. 32.

DUTIES OF BOARD.

- Duties of board.** **32.** It shall be the duty of the board of trustees of every urban school :
- To appoint secretary and collector.** 1. To appoint a secretary and treasurer or secretary-treasurer and one or more collectors, if requisite, of such school fees or rate-bills as the board may have authority to charge :
- (a) The collector or collectors, and secretary, and treasurer, or secretary-treasurer (who may be of their own number), shall discharge similar duties, and be subject to similar obligations and penalties, and have similar powers as the like officers in the municipality ;
- To provide adequate accommodation.** 2. To provide adequate accommodation, according to the regulations of the Education Department, for all the children of separate school supporters between the ages of five and twenty-one, resident in the ward, village or town, as the case may be, as ascertained by the census taken by the municipal council for the next preceding year ;

3. To purchase or rent school sites and premises, and to build, repair, furnish, and keep in order the school-houses and appendages, lands, enclosures, and movable property, and procure registers in the prescribed form, suitable maps, apparatus and prize books and, if they deem it expedient, establish and maintain school libraries ;

To provide school premises, apparatus, prize books and library.

4. To determine the number, kind, grade and description of schools (such as male, female, infant, central or ward schools) to be established and maintained ; the teachers to be employed ; the terms on which they are to be employed ; the amount of their remuneration, and the duties which they are to perform ;

Kind of schools.

5. To prepare from time to time, and lay before the municipal council of the city, town or village, on or before the first day of August an estimate of the sums which they think requisite for all necessary expenses of the schools under their charge ;

To lay before Council estimate for moneys.

6. To appoint of their number annually, or oftener if they judge it expedient, and under such regulations as they think proper, a committee of not more than three persons for the special charge, oversight and management of each school within the city, town, or village, and to see that all the schools under their charge are conducted according to the authorized regulations ;

To appoint a committee for each school.

7. To collect, at their discretion, from the parents or guardians of children attending any urban school under their charge, a sum not exceeding twenty cents per month, per pupil, to defray the cost of text-books, stationery and other contingencies, and to see that all the pupils in the schools are duly supplied with a uniform series of text-books ;

Trustees may collect a fee from parents.

To see that uniform books are used.

8. To give orders on the treasurer of the separate school board for all moneys expended for school purposes ;

To give orders for moneys expended.

9. To prepare and transmit annually, before the fifteenth of January, to the Minister of Education, in the form prescribed by him, a report, signed by the chairman, containing all information required by the regulations of the Education Department. 49 V. c. 46, s. 33.

To prepare annual report for Minister.

TEACHERS.

33. All agreements between trustees and teachers, to be valid and binding, shall be in writing, signed by the parties thereto, and sealed with the corporate seal of the trustees, and such agreements may lawfully include any stipulation to provide the teacher with board and lodging. 49 V. c. 46, s. 34.

Valid agreements with teacher.

34. It shall be the duty of every teacher of a separate school :—

Duties of teacher.

1. To teach diligently and faithfully all the branches required to be taught in the school, according to the terms of his engage-

To teach according to law.

ment with the trustees, and according to the provisions of this Act, and the regulations of the Education Department ;

To keep the register of the school.

2. To keep in the prescribed form the general, entrance, and the daily class, or other registers of the school, and to record therein the admission, promotion, removal, or otherwise of the pupils of the school ;

To maintain order and discipline.

3. To maintain proper order and discipline in his school, according to the prescribed regulations ;

To keep a visitors' book.

4. To keep a visitors' book (which the trustees shall provide) and enter therein the visits made to his school, and to present the book to every visitor, and request him to make therein any remarks suggested by his visit ;

To give access to register and visitors' book.

5. To give the trustees and visitors access at all times when desired by them, to the registers and visitors' book appertaining to the school ;

Deliver up register and key.

6. To deliver up any school registers, visitors' book, school-house key, or other school property in his possession, on the demand or order of the majority of the trustees employing him ;

In case of refusal.

7. In case of his wilful refusal so to do he shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the trustees ;

To hold public quarterly examinations.

8. To hold during each term a public examination of his school, of which he shall give due notice to the trustees of the school, to any school visitors who reside in or adjacent to the school, and through the pupils to their parents or guardians ;

To furnish information to the Minister and Inspector.

9. To furnish to the Minister of Education, or to the separate school inspector, from the trustees' report or otherwise, any information which it may be in his power to give, respecting anything connected with the operations of his school, or in any wise affecting its interest or character ;

To prepare reports.

10. To prepare so far as the school registers supply the information, such reports of the corporation employing him as are required by the regulations of the Education Department. 49 V. c. 46, s. 35.

Proportion of salary to which teacher is entitled.

35. Every qualified teacher of a separate school employed for any period not less than three months shall be entitled to be paid his salary in the proportion which the number of teaching days during which he has taught, bears to the whole number of teaching days in the year. 49 V. c. 46, s. 36.

Provision in case of difference between teacher and trustees.

36. All matters of difference between trustees and teachers, in regard to salary or other remuneration, shall be brought and decided in the Division Court by the Judge of the County Court in each county, subject to an appeal, as provided by this Act. 49 V. c. 46, s. 37.

37. In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of this Act, and not appealed from, execution may issue from time to time to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder. 49 V. c. 46, s. 38.

Issue of execution.

38. In case of sickness, certified by a medical man, every teacher shall be entitled to his salary during such sickness, for a period not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees. 49 V. c. 46, s. 39.

Case of sickness.

Four weeks allowed.

39. Every teacher shall be entitled to be paid at the rate mentioned in his agreement with the trustees, even after the expiration of the period of his agreement, until the trustees pay him the whole of his salary as teacher of the school, according to their engagement with him, provided always that an action must be commenced within three months after such salary is due and payable by the trustees. 49 V. c. 46, s. 40.

Protection of teachers in regard to salary.

ASSESSMENTS.

40. Every person paying rates, whether as proprietor or tenant, who, by himself, or his agent, on or before the first day of March in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic, and supporter of a separate school situated in the municipality or in a municipality contiguous thereto, shall be exempted from the payment of all rates imposed for the support of public schools, and of public school libraries, or for the purchase of land or erection of buildings for public school purposes, within the city, town, incorporated village or section in which he resides, for the then current year, and every subsequent year thereafter, while he continues a supporter of a separate school; and the notice shall not be required to be renewed annually. 49 V. c. 46, s. 41.

Supporters of separate schools exempted from payment of public school rates on giving certain notice.

41. Every clerk of a municipality, upon receiving such notice, shall deliver a certificate to the person giving the notice, to the effect that the same has been given, and shewing the date thereof. 49 V. c. 46, s. 42.

Certificate of notice.

42. Any person who fraudulently gives such notice, or wilfully makes any false statement therein, shall not thereby secure any exemption from rates, and shall be liable to a penalty of \$40, recoverable with costs before any Justice of the Peace at the suit of the municipality interested. 49 V. c. 46, s. 43.

Penalty for wilful false statement in notice.

Exemption as to rates imposed before separate school established.

43. Nothing in the last preceding three sections contained shall exempt any person from paying any rate for the support of public schools or public school libraries, or for the erection of a school house or school houses, imposed before the establishment of the separate school. 49 V. c. 46, s. 44.

Residence of supporters of separate schools.

44. Subject to the other provisions of this Act no person shall be deemed a supporter of a separate school unless he resides within three miles (in a direct line) of the site of the school house. 49 V. c. 46, s. 45.

Where person residing out of municipality to vote.

45. When a supporter of a separate school resides without the municipality in which the school is situate, he shall be entitled to vote in the ward or division in which the school house nearest to his place of residence is situate, if within the distance of three miles in a direct line. 49 V. c. 46, s. 46.

Non-residents may require school tax to be appropriated to a separate school.

46. Any person, who, if resident in a municipality, would be entitled to be a supporter of a separate school existing either therein or in any adjoining municipality, may, in giving notice under section 3 of *The Assessment Act*, that he is the owner of unoccupied land situate in either of the said municipalities, require that all such land as is situate either in the municipality wherein the separate school is situate or within the distance of three miles in a direct line of the site of the separate school shall be assessed for the purposes of the separate school, and the proper assessor shall thereupon enter such person in the assessment roll as a separate school supporter, and the proper entries in that behalf shall be made in the prescribed column for separate school rates, and the land shall be assessed accordingly for the purposes of the separate school and not for public school purposes. 49 V. c. 46, s. 47.

Rev. Stat. c. 193.

Persons with drawing support from Separate School to give notice.

47. (1) Any Roman Catholic who may desire to withdraw his support from a separate school, shall give notice in writing to the clerk of the municipality, before the second Wednesday in January in any year, otherwise he shall be deemed a supporter of the school.

Proviso.

(2) But any person who has withdrawn his support from a Roman Catholic separate school shall not be exempted from paying any rate for the support of separate schools or separate school libraries, or for the erection of a separate school house, imposed before the time of his withdrawing such support from the separate school. 49 V. c. 46, s. 48.

Duty of assessors.

48.—(1) The assessor or assessors of every municipality shall in the assessment roll set down the religion of the person taxable, distinguishing between Protestant and Roman Catholic, and whether supporters of public or separate schools; but nothing herein contained shall be deemed to interfere with the rights of public school trustees under *The Public Schools Act*.

Rev. Stat. c. 225.

(2) The assessor shall accept the statement of, or made on behalf of, any ratepayer, that he is a Roman Catholic, as sufficient *prima facie* evidence for placing such person in the proper column of the assessment roll for separate school supporters, or if the assessor knows personally any ratepayer to be a Roman Catholic this shall also be sufficient for placing him in such last mentioned column.

Statement as to religion.

(3) The Court of Revision shall try and determine all complaints in regard to persons in these particulars alleged to be wrongfully placed upon or omitted from the roll (as the case may be), and any person so complaining, or any ratepayer of the municipality, may give notice in writing to the clerk of the municipality of such complaint, and the provisions of *The Assessment Act*, in reference to giving notice of complaints against the assessment roll, and proceedings for the trial thereof, shall likewise apply to all complaints under this section of this Act. 49 V. c. 46, s. 49.

Court of Revision to decide complaints.

Rev. Stat. c. 193.

49. The clerk of every municipality, in annually making out the collector's roll, shall place columns therein, so that under the head of "School Rate," the public school rate may be distinguished from the separate school rate, and also under "Special Rate for School Debts," shall distinguish between public and separate school purposes, and the proceeds of any such rate shall be kept distinguished by the collector, and accounted for accordingly. 49 V. c. 46, s. 50.

Collector's roll—further columns.

50. The clerk of any municipality in which any separate school section or part of a section is situate, shall, not later than the 1st day of December in each year, make out and transmit to the county school inspector a statement shewing whether or not any county rate for public school purposes has been placed upon the collector's roll against supporters of separate schools, and if such rate has been so placed upon the roll, giving a list of such supporters with the amount so rated against each, and the total amount so rated. 49 V. c. 46, s. 51.

Return shewing rating of separate school supporters.

51. In any case where under section 20 of *The Assessment Act*, land is assessed against both the owner and occupant, or owner and tenant, then the occupant or tenant shall be deemed and taken to be the person primarily liable for the payment of school rates, and for determining whether such rates shall be applied to public or separate school purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves shall be allowed to alter or to affect this provision otherwise; and in any case where, as between the owner and tenant or occupant, the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same, the owner is compelled to pay such school rate, he may direct the same to be applied to either public or separate school purposes. 49 V. c. 46, s. 52.

Occupant primarily liable for school rates. Rev. Stat. c. 193.

Company may
require school
rate to be
applied to sep-
arate schools.

52.—(1) A company may, by notice in that behalf to be given to the clerk of any municipality wherein a separate school exists, require any part of the real property of which such company is either the owner and occupant, or, not being such owner, is the tenant, occupant or actual possessor, and any part of the personal property (if any) of such company, liable to assessment, to be entered, rated and assessed for the purposes of said separate school, and the proper assessor shall thereupon enter said company as a separate school supporter in the assessment roll in respect of the property specially designated in that behalf in or by said notice, and the proper entries in that behalf shall be made in the prescribed column for separate school rates, and so much of the property as shall be so designated shall be assessed accordingly in the name of the company for the purposes of the separate school and not for public school purposes, but all other property of the company shall be separately entered and assessed in the name of the company as for public school purposes: provided always that the share or portion of the property of any company, entered, rated or assessed, in any municipality for separate school purposes under the provisions of this section, shall bear the same ratio and proportion to the whole property of the company assessable within the municipality, as the amount or proportion of the shares or stock of the company, so far as the same are paid, or partly paid up, and are held and possessed by persons who are Roman Catholics, bears to the whole amount of such paid or partly paid up shares or stock of the company.

(2) A notice by the company to the clerk of the local municipality under the provisions of this section may be in the form or to the effect following:

To the clerk of (*describing the municipality*),

Take notice that (*here insert the name of the company so as to sufficiently and reasonably designate it*) pursuant to a resolution in that behalf of the directors of said company requires that hereafter and until this notice is either withdrawn or varied so much of the property of the company assessable within (*giving the name of the municipality*), and hereinafter specially designated shall be entered, rated, and assessed for separate school purposes, namely, one-fifth (*or as the case may be*) of all real property, and one-fifth (*or as the case may be*) of all personal property of said company, liable to assessment in said municipality.

Given on behalf of the said company this (*here insert date*).

R. S., Secretary of said company.

(3) Any such notice given in pursuance of a resolution in that behalf of the directors of the company shall for all purposes be deemed to be sufficient, and every such notice so given shall be taken as continuing and in force and to be acted upon unless and until the same is withdrawn, varied or cancelled by any notice subsequently given, pursuant to any resolution of the company or of its directors.

(4) Every such notice so given to such clerk shall remain with and be kept by him on file in his office, and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect any assessment roll, and the assessor shall in each year, before the completion and return of the assessment roll, search for and examine all notices which may be so on file in the clerk's office, and shall thereupon in respect of said notices (if any) follow and conform thereto and to the provisions of this Act in that behalf.

(5) The word "company" in this section shall mean and include any body corporate. 49 V. c. 46, s. 53. See *Cap.* 193, s. 21.

53.—(1) The trustees of separate schools forming a body corporate under this Act shall have the power to impose, levy and collect school rates or subscriptions, upon and from persons sending children to, or subscribing towards the support of such schools, and shall, for the purpose of collecting the school rates or subscriptions, have all the powers in respect of separate schools that the collectors of taxes in municipalities have and possess under the provisions of *The Municipal Act*. Powers of trustees.
Rev. Stat. c. 184.

(2) If the collector appointed by the trustees of a separate school is unable to collect that portion of any school rate which has been charged on any parcel of land liable to assessment, by reason of there being no person resident thereon, or no goods and chattels to distrain, the trustees shall make a return to the clerk of the municipality, before the end of the then current year, of such parcels of land and the uncollected rates thereon. Lands on which there are rates uncollected to be returned to clerk.

(3) The clerk of the municipality shall make a return to the county, city, town or village treasurer of such lands, and the arrears of separate school rates thereon.

(4) The arrears shall be collected and accounted for by the treasurer in the same manner as the arrears of other taxes.

(5) The township, village, town or city council in which the separate school is situate, shall make up the deficiency arising from uncollected rates on land liable to assessment, out of the general funds of the municipality. 49 V. c. 46, s. 54.

54. The clerk or other officer of a municipality within or adjoining which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall allow any one of the trustees or their authorized collector to make a copy of the roll in so far as it relates to the persons supporting the separate school under their charge. 49 V. c. 46, s. 55. Trustees may copy assessment roll of municipality.

55. It shall be the duty of every municipal council, if so requested by the trustees of a separate school at or before the meeting of the council in the month of August in any Collection of school rates.

year, to cause, through their collectors and other municipal officers, to be levied in each year, upon the taxable property liable to pay the same, all sums of money for rates or taxes legally imposed thereon in respect of separate schools by competent lawful authority in that behalf and at their request, and the council shall account annually for the sums so to be collected, and any expenses attending the assessment, collection or payment of school rates by the municipal council, or any of its officers, for the trustees entitled thereto, shall be payable by the municipality, and the said rates, as and when collected, shall within a reasonable time thereafter, and not later than the fourteenth day of December in each year, be paid over to the trustees, without any deduction whatever. 49 V. c. 46, s. 56.

Agreements
between muni-
cipality and
separate
school trus-
tees as to pay-
ment in lieu
of separate
school rate.

56. Any board of separate school trustees, and the council of any municipality (three-fifths of whose members are not separate school supporters), may enter into an agreement for a term of years, that for each year of the said term, and at such times and in such sums as may be agreed upon, there shall in lieu of and as being the amount to be levied and collected in such year for separate school purposes, be paid by the municipality to the board a fixed proportion of the total amount levied and collected within the municipality in and for the year for both public and separate school purposes; provided always, that if in and for any year the rate in the dollar of assessment actually levied for separate school purposes within the municipality is not the same as that actually levied therein for public school purposes, then the agreement shall not be in force for or apply to such last mentioned year; provided also that any agreement made as aforesaid may be determined at the end of any calendar year on giving six months' notice by either of the parties thereto to the other party. 49 V. c. 46, s. 57.

Proviso.

Distribution
of county
rate.

57. The county inspector of public schools shall, before distributing the county rate among the public school sections, deduct the amount certified to him by the clerk of any municipality in which any separate school section or part of a section is situate, according to the list given by the clerk, of the supporters of separate schools against whom the county rate for public school purposes has been placed and rated, and shall give the trustees of the separate school section an order on the county treasurer or sub-treasurer for the amount so placed, and rated, and it shall be the duty of the treasurer or sub-treasurer to pay over the same. 49 V. c. 46, s. 58.

Borrowing
powers of
trustees of
separate
schools.

58.—(1) The trustees of a separate school shall have full power as a body corporate to borrow money for school purposes, and to make valid mortgages and other instruments for the security and payment of such borrowed money, or of moneys payable or to be paid for school sites, school buildings, or additions thereto, or the repairs thereof, upon the school

house property and premises, or any other real or personal property vested in them, or upon the separate school rates, and any ratepayer who was a separate school supporter at the time when the loan was effected on the security of the said rates or property shall, while resident within the section or municipality within which the separate school is situate, continue to be liable for the rate to be levied for the repayment of the loan.

(2) The principal money representing any sum so borrowed may, in the mortgage or other instrument securing the repayment thereof, be made payable in annual or other instalments, with or without interest, and the trustees, in addition to all other rates or moneys which they may now levy in any one year, shall also have power and authority to levy and collect such further sum or sums as in each year may be requisite for paying all principal money and interest falling due in such year under the terms of such mortgage or other instrument aforesaid, and the said sums shall be levied and collected in each year in the same manner and form, and from the like persons and property by, from, upon or out of which other separate school rates may now be levied and collected. 49 V. c. 46, s. 59.

(3) The mortgages and other instruments which the trustees have power to make, as aforesaid, for the security and payment of money borrowed or payable for school purposes may, in the discretion of the trustees, be made in the form of debentures; and debentures shall be a charge on the same property and rates aforesaid, as in the case of mortgages thereof made by the trustees, as in sub-section 1 mentioned.

(4) Every by-law of, the trustees for the issue of such debentures shall be sealed with the corporate seal of the board of trustees, and shall be signed by the chairman and secretary of the board, and the by-law may be quashed by application to the High Court at Toronto, in the same way as municipal by-laws may be quashed.

(5) The by-law shall name a day in the financial year in which the same is passed when the by-law is to take effect, and shall state the whole of the debt and the obligations to be issued thereunder, and shall make the same payable in twenty years at furthest from the day on which the by-law takes effect, and shall provide for including thereafter in the yearly separate school rate a sufficient sum for the payment of an amount sufficient to pay the yearly interest during the currency of the debentures, and also a certain specific sum to be realized annually for the payment of the principal, which specific sum shall be sufficient with the estimated interest on the investments thereof to discharge the debt when payable.

(6) Every such by-law, before being acted upon, shall be published for at least three successive weeks in some public newspaper published weekly, or oftener, in the city, town or

county in which the separate school is situate, and if no application to quash the by-law shall be made for three months after the publication thereof as aforesaid, the by-law shall, as in the case of a municipal by-law, be valid, notwithstanding any want of substance or form in the by-law or in the time or manner of passing the same.

(7) No debenture issued under the by-law shall be for less than \$100. The debentures may be in the form following:—

PROVINCE OF ONTARIO.

\$.... No....

Debenture of the Board of Trustees of the Roman Catholic Separate Schools for (or other corporate name of the Board, as the case may be),

The Board of Trustees of the Roman Catholic Separate Schools for (or other corporate name of the Board, as the case may be), hereby promise to pay to bearer at the Bank of , at the sum of dollars of lawful money of Canada, in years from the date hereof, and to pay interest at the rate of per cent. per annum half-yearly to the bearer of the annexed coupons respectively upon the presentation thereof at the said Bank.

Issued this day of , by virtue and under authority of the Separate Schools Act, and pursuant to by-law number of said Board of Separate School Trustees, passed on the day of , 18 , entitled a by-law to raise by way of loan the sum of dollars for the purposes therein mentioned, bearing date the day of , 18 .

C. D.,

Secretary-Treasurer.

A. B.,

Chairman.

Coupon No....

The Board of Trustees of the Roman Catholic Separate School for (or other corporate name) will pay bearer at the Bank of , at , on the day of , 18 , the sum of dollars, interest due on that day on Debenture No. .

(8) Nothing contained in the preceding five sub-sections shall be deemed to declare or imply any construction of any statute or of any provision thereof, passed prior to the twentieth day of April, in the year 1887, or as declaring or implying that the trustees had not theretofore power to make and issue debentures for the security and payment of money borrowed or payable for school purposes. 50 V. c. 41, s. 1.

Separate schools entitled to a share of the public grant.

59. Every separate school shall be entitled to a share in the fund annually granted by the Legislature of this Province for the support of public schools, and shall be entitled also to a share in all other public grants, investments and allotments for public school purposes now made or hereafter to be made by the Province or the municipal authorities, according to the average number of pupils attending the school during the twelve next preceding months, or during the number of months which may have elapsed from the establishment of a new

separate school, as compared with the whole average number of pupils attending school in the same city, town, village or township. 49 V. c. 46, s. 60.

60. Nothing herein contained shall entitle a separate school within any city, town, incorporated village or township, to any part or portion of school moneys arising or accruing from local assessment for public school purposes within the city, town, village, or township, or the county or union of counties within which the city, town, village or township is situate. 49 V. c. 46, s. 61.

But not to any share of local assessment for public schools.

61. The teachers of a separate school under this Act shall be subject to the same examinations, and receive their certificates of qualification, in the same manner as public school teachers generally; but the persons qualified by law as teachers, either in the Province of Ontario, or, at the time of the passing of *The British North America Act*, in the Province of Quebec, shall be considered qualified teachers for the purpose of this Act. 49 V. c. 46, s. 62.

Certificates to teachers of separate schools.

62. The trustees of every separate school shall, on or before the thirtieth day of June and the thirty-first day of December of every year, transmit to the Minister of Education a correct return of the names of the children attending the school, together with the average attendance during the next preceding six months, or during the number of months which have elapsed since the establishment thereof, and the number of months it has been so kept open; and the Minister shall thereupon determine the proportion which the trustees of the separate school are entitled to receive out of the legislative grant, and shall pay over the amount thereof to the trustees. 49 V. c. 46, s. 63.

Return to be transmitted by trustees.

63. The Minister of Education, all Judges, Members of the Legislature, the heads of the municipal bodies in their respective localities, the inspectors of public schools, and the clergymen of the Roman Catholic Church, shall be visitors of separate schools. 49 V. c. 46, s. 64.

Visitors of separate schools.

64. The Roman Catholic separate schools (with their registers) shall be subject to such inspection as may be directed from time to time by the Minister of Education, and shall be subject also to such regulations as may be imposed from time to time by the Education Department. 49 V. c. 46, s. 65.

Inspection of schools.

65. The Education Department may authorize a separate school in any county to be constituted a model school for the training of teachers for separate schools, subject to the regulations of the department, and where in any county such model school has been established, or from the special circumstances of the separate schools therein, the Minister of Education

Model schools for teachers of separate schools.

should deem it expedient, he may recommend for appointment by the Lieutenant-Governor in Council some one competent person possessing qualifications prescribed by the Education Department to be a member of the county board of examiners of such county in addition to the number now authorized, and who shall possess and discharge the like powers and duties as the other members of the board. 49 V. c. 46, s. 66.

Appointment of trustee of high school by trustees of separate school.

66. In the case of a separate school established under this Act in any city, town, or incorporated village in which a high school is established, it shall be lawful for the trustees of the separate school to appoint any ratepayer (not one of themselves) as trustee of such high school, provided always that in the case of a united high and public school board such trustee shall not take any part in the proceedings of the board in regard to any matters affecting the public school. 49 V. c. 46, s. 67.

Disagreement between trustees, inspectors, etc.

67. In the event of a disagreement between trustees of Roman Catholic separate schools and inspectors of public schools, or other municipal authorities, or in the event of a protest against the election of a rural school trustee, or other proceedings of a rural school meeting, made in writing and signed by five supporters of the separate school concerned, the case in dispute shall be referred to the equitable arbitrament of the Minister of Education, subject nevertheless to appeal to the Lieutenant-Governor in Council, whose award shall be final in all cases. 49 V. c. 46, s. 68.

SUPERANNUATION.

Superannuation fund.

68. Every teacher or inspector whose name is entered as having paid into the fund for the support of superannuated teachers, may contribute to such fund in such manner as may be prescribed by the Education Department, the sum of at least \$4 annually. 49 V. c. 46, s. 69.

Repayment to wife, etc., of deceased teacher.

69. On the decease of any teacher or inspector, his wife, her husband, or other legal representative, shall be entitled to receive back the full amount paid into the superannuation fund by such teacher or inspector, with interest at the rate of seven per cent per annum. 49 V. c. 46, s. 70.

Right of teacher to retire on reaching sixty years of age.

70.—(1) Every teacher or inspector who, while engaged in his profession, contributed to the superannuated teachers' fund as provided by this Act, shall on reaching the age of sixty years be entitled to retire from the profession at his discretion, and receive an allowance or pension at the rate of \$6 per annum, for every year of such service in Ontario, upon furnishing to the Education Department satisfactory evidence of good moral character, of his age, and of the length of his service as teacher or inspector.

(2) Every pension payable under this Act may be supplemented out of local funds by any municipal council, public school board or board of education, at its pleasure. Supplementary pension.

(3) To remove doubts, nothing in this section contained, shall be held as applying to any person who, prior to 1871, had ceased to be engaged in his profession as a teacher, and has not heretofore contributed to the said fund. 49 V. c. 46, s. 71. Application of section.

71. Every teacher or inspector under sixty years of age, who has contributed, as aforesaid, and who is disabled from practising his profession, shall be entitled to a like pension, or local supplementary allowance, upon furnishing the like evidence, and by furnishing to the Education Department from time to time, in addition thereto, satisfactory evidence of his being disabled. 49 V. c. 46, s. 72. Teachers under sixty.

72. Every teacher entitled to receive an allowance from the superannuated teachers' fund, who holds a first or second class provincial certificate, or a first-class county board certificate, or who is an authorized head master of a high school or collegiate institute, shall in addition to the said allowance or pension be entitled to receive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate, or while he acted as head master of a high school or collegiate institute. 49 V. c. 46, s. 73. Extra allowance to certain teachers.

73. The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the pensioned teacher fail to maintain a good moral character, to be vouched for (when requested) to the satisfaction of the Education Department. 49 V. c. 46, s. 74. Proviso in regard to good moral character.

74. If any pensioned teacher or inspector shall, with the consent of the Education Department, resume the profession of teaching or inspecting, the payment of his allowance shall be suspended from the time of his being so engaged. 49 V. c. 46, s. 75. Teacher resuming profession.

75. In case any pensioned teacher or inspector is again placed on the superannuation list, a pension for the additional time of service shall be allowed him, on his compliance with this Act, and the regulations of the Education Department. 49 V. c. 46, s. 76. Again retiring.

76. Any teacher or inspector who, having resumed his profession, draws or continues to draw upon the superannuation fund for any part of his allowance as a superannuated teacher shall forfeit all claim to the fund, and his name shall be struck off the list of superannuated teachers. 49 V. c. 46, s. 77. Forfeiture of claim.

77. In the case of those teachers or inspectors who may not avail themselves of the provisions of sections 68 or 78 of this Teachers not availing themselves of Act.

Act, the provisions of sections 69 to 78 inclusive shall apply so far as relates to all sums of money already paid into the fund for the support of superannuated teachers. 49 V. c. 46, s. 78.

Repayment to contributors.

78. Any teacher who retires from the profession, or any teacher or inspector who desires to remove his name from the list of contributors to the superannuated teachers' fund, shall be entitled to receive back from the Minister of Education one-half of any sums paid in by him or her to the fund, through the public school inspector, or otherwise. 49 V. c. 46, s. 79.

HOLIDAYS.

Terms.

79.—(1) The separate school year shall consist of two terms : the first shall begin on the 3rd day of January, and end on the 1st day of July ; the second shall begin on the third Monday of August, and end on the 23rd day of December. Every Saturday every statutory holiday, and every day proclaimed a holiday by the municipal authorities in which the school section or division is situated, shall be a holiday in the separate schools.

(2) In the case of cities, towns and incorporated villages the school terms shall be the same as the terms prescribed for high schools. 49 V. c. 46, s. 80.

PENALTIES AND PROHIBITIONS.

Penalty for making a false declaration.

80. No person shall wilfully make a false declaration of his right to vote at any school meeting or election of school trustees ; and any person convicted of a contravention of this section, upon the complaint of any person, shall be punishable by fine or imprisonment, at the discretion of the Court of General Sessions, or by a penalty of not less than \$5, or more than \$10, to be sued for and recovered with costs before a Justice of the Peace, by the separate school trustees, of the city, town, village or school section for its use. 49 V. c. 46, s. 81.

Trustees not to hold certain offices.

81. No trustee of a separate school shall hold the office of separate school inspector, or be a master or teacher in the separate school of which he is a trustee : nor shall the master or teacher of any public, high or separate school hold the office of trustee of a separate school, nor shall an inspector be a teacher or trustee of any separate school while he holds the office of inspector. 49 V. c. 46, s. 82.

Seat vacated by conviction for crime, etc.

82. Any trustee who is convicted of any felony or misdemeanor, or becomes insane, or absents himself from the meetings of the board for three consecutive months without being authorized by resolution entered upon its minutes, or ceases to be a resident within the school municipality for which he is a trustee, shall *ipso facto* vacate his seat, and the remaining trustees shall declare his seat vacant, and forthwith order a new election. 49 V. c. 46, s. 83.

83. Any trustee who has any pecuniary interest, profit or promise, or expected benefit in, or from any contract, agreement or engagement, either in his own name, or the name of another with the corporation of which he is a member, or who receives, or expects to receive any compensation for any work, engagement, employment or duty, on behalf of such corporation, shall *ipso facto* vacate his seat, and every such contract, agreement, engagement or promise shall be null and void, and the remaining trustees, or a majority of them, shall declare the seat vacant, and forthwith order a new election. 49 V. c. 46, s. 84.

Seat vacated
by interest in
contract
corporation.

84. Any person who wilfully disturbs, interrupts or disquiets the proceedings of any school meeting authorized to be held by this Act, or any one who wilfully interrupts or disquiets any separate school established and conducted under its authority, or other school, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the school, shall, for each offence, on conviction thereof before a Justice of the Peace, on the oath of one credible witness, forfeit and pay for separate school purposes to the school section, city, town or village within which the offence is committed, a sum not exceeding \$20, together with the costs of the conviction, as the said Justice may think fit. 49 V. c. 46, s. 85.

Penalty for
disturbing a
school or
school meet-
ing.

85. If a person chosen as trustee refuses to serve, he shall forfeit the sum of \$5. 49 V. c. 46, s. 86.

Penalty for
refusing to
serve as
trustee.

86. Every person so chosen who has not refused to accept the office, and who at any time refuses, or neglects to perform its duties, shall forfeit the sum of \$20, to be sued for and recovered before a Justice of the Peace, by the trustees of the school section, or by any person whatsoever for its use, as authorized by this Act. 49 V. c. 46, s. 87.

Penalty for
refusing to per-
form duties.

87. If the trustees of a separate school wilfully neglect or refuse to exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them, any trustee or trustees so neglecting or refusing to exercise such power shall be held to be personally responsible for the fulfilment of such contract or agreement. 49 V. c. 46, s. 88.

Penalty for
refusing to
exercise
corporate
powers.

88. If the trustees of a separate school refuse, or neglect to take proper security from the secretary-treasurer, or other person to whom they entrust school moneys, they shall be held personally responsible for the moneys. 49 V. c. 46, s. 89.

Liability for
neglect to take
security.

89. If any part of the separate school fund or moneys is embezzled or lost, through the dishonesty or faithlessness of any trustee, secretary-treasurer, or other person to whom it has been entrusted, and proper security against the loss has not

Responsibility
in case of lost
school moneys.

been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost; and such sums may be recovered from him or them, by the person entitled to receive the same, by action, in any Court having jurisdiction to the amount, or by information at the suit of the Crown. 49 V. c. 46, s. 90.

Penalty on secretary-treasurer, or trustee for refusing to account.

90.—(1) No secretary-treasurer appointed by the trustees of a separate school, and no person having been such secretary-treasurer, and no trustee or other person who may have in his possession any books, papers, chattels or moneys, which came into his possession as such secretary-treasurer trustee or otherwise, shall wrongfully withhold, or neglect, or refuse to deliver up, or account for, and pay over the same, or any part thereof to the person, and in the manner directed by a majority of the trustees then in office, or by other competent authority; and such withholding, neglect or refusal to deliver up or account for, shall be punishable, as provided in the following three sections of this Act.

Order for appearance.

(2) Upon application to the Judge of the County Court, by a majority of the trustees, or by any two supporters of the separate school, supported by their affidavit made before some Justice of the Peace, of such wrongful withholding or refusal, the Judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer or trustee, or other person, do appear before him, at a time and place to be appointed in the order.

Service of order.

(3) Any bailiff of a Division Court, upon being required by the Judge, shall serve the order personally on the person complained against, or leave the same with a grown-up person at his residence. 49 V. c. 46, s. 91.

Order to account, etc.

91. At the time and place so appointed, the Judge being satisfied that service has been made, shall in a summary manner, and whether the person complained of does or does not appear, hear the complaint, and if he is of opinion that the complaint is well founded the Judge shall order the person complained of to deliver up, account for, and pay over the books, papers, chattels or moneys as aforesaid, by a certain day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may tax. 49 V. c. 46, s. 92.

Effect of non-compliance with Judges order.

92. In the event of a non-compliance with the terms specified in the order, or any, or either of them, the Judge shall order such person to be forthwith arrested by the sheriff of any county in which he may be found, and to be committed to the common gaol of his county, there to remain without bail until the Judge is satisfied that the person has delivered up, accounted for, or paid over the books, papers, chattels, or moneys in question, in the manner directed by the

majority of the trustees, or other competent authority, as aforesaid; upon proof of his having so done, the Judge shall make an order for his discharge, and he shall be discharged accordingly. 49 V. c. 46, s. 93.

93. No such proceeding shall impair or affect any other remedy which the trustees, or other competent authority, may have against the secretary-treasurer or person having been such secretary-treasurer or his sureties, or against any trustee or other person as aforesaid. 49 V. c. 46, s. 94.

Other remedy not affected.

94. The trustees, or their secretary-treasurer in their behalf, shall not refuse to furnish the auditors of any accounts of a separate school, or either of them, with any papers or information in their power, and which may be required of them relative to their school accounts, and any contravention of this section upon prosecution therefor by either of the auditors, or any separate school supporter, shall be punished by fine or imprisonment, as provided by this Act. 49 V. c. 46, s. 95.

Penalty on trustees refusing information, etc., to auditors.

95.—(1) In case the trustees of a separate school neglect to transmit to the Minister of Education, on or before the 30th day of June, and the 31st day of December in every year, a correct and verified statement of the average attendance of pupils in each of the schools under their charge during the six months then immediately preceding, then the school section shall not be entitled to the apportionment from the school fund for the said six months.

Penalty for neglect to send half-yearly returns.

(2) The trustees so neglecting shall be personally responsible for the amount of the loss of such apportionment. 49 V. c. 46, s. 96.

96. In case the trustees of a separate school neglect to prepare and forward the aforesaid annual report to the Minister of Education by the 15th day of January in every year, each of them shall, for every week after such 15th day of January, and until such report has been prepared and presented, forfeit the sum of \$5, to be sued for by any supporter of such separate school and collected and applied in the manner provided for by this Act. 49 V. c. 46, s. 97.

Penalty for delaying yearly report.

97.—(1) If a trustee of a separate school knowingly signs a false report, or if a teacher of a separate school keeps a false school register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such school, the trustee or teacher shall, for every offence, forfeit to the board of separate school trustees for the purposes of the separate school the sum of \$20, for which any person whatever may prosecute him before a Justice of the Peace, and the trustee or teacher may be convicted on the oath of one credible witness other than the prosecutor.

Penalty for false school reports and registers.

Recovery by
distress.

(2) If upon conviction, the penalty is not forthwith paid, the same shall, under the warrant of the Justice, be levied with costs by distress and sale of the goods and chattels of the offender.

Application
of penalty.

(3) The penalty when so paid or collected, shall by the Justice be paid over to the said separate school. 49 V. c. 46, s. 98.

Trustees per-
sonally respon-
sible for
moneys lost.

98.—(1) The trustees of every separate school shall be personally responsible for the amount of any school moneys forfeited by or lost to the separate school in consequence of the neglect of duty of the trustees during their continuance in office.

(2) The amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act. 49 V. c. 46, s. 99.

HOW FINES AND PENALTIES MAY BE RECOVERED.

Recovery of
penalties.

99.—(1) Unless it is in this Act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceedings, may be sued for, recovered, and enforced with costs, by and before any Police Magistrate or Justice of the Peace having jurisdiction within the school section, city, town, or village in which such fine or penalty has been incurred.

(2) If the fine or penalty and costs are not forthwith paid, the same shall, by and under the warrant of the convicting Justice, be enforced, levied and collected with costs by distress and sale of the goods and chattels of the offender, and shall be by the Police Magistrate or Justice paid over to the school treasurer of the separate school, city, town, or village, or other party entitled thereto.

(3) In default of such distress the Police Magistrate or Justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavouring to collect the same are sooner paid. 49 V. c. 46, s. 100.

CHAPTER 228.

An Act respecting Conveyances to Trustees for School Purposes.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In case any persons, residing in Ontario, interested in any school established in any city, town, village or township therein, whether as parents of children frequenting such schools, or as contributors to the same, or both, have occasion, or are desirous to take a conveyance of real property for the use of such schools, such persons may elect from among themselves, and appoint any number of trustees, not exceeding seven nor less than five, to whom and to whose successors, to be appointed in the manner specified in the deed of conveyance, the real property requisite for such school may be conveyed. R. S. O. 1877, c. 207, s. 1.

Conveyance of property for school sites to trustees.

2.--(1) Such trustees and their successors in perpetual succession, by the name expressed in such deed, may take, hold and possess such real property, and commence and maintain any action for the protection thereof, and of their right thereto; but there shall not be held in trust as aforesaid, more than ten acres of land at any time, for any one school.

Powers of trustees to hold.

(2) This section shall not extend to public schools. R. S. O. 1877, c. 207, s. 2.

3. The trustees shall, within twelve months after the execution of any such deed, cause the same to be registered in the registry office of the registry division in which the land lies. R. S. O. 1877, c. 207, s. 3. See Cap. 226, ss. 27-31.

Registration of deed.

CHAPTER 229.

An Act respecting Upper Canada College.

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| NAME, s. 1. | RELIGIOUS TESTS NOT REQUIRED, s. 5. |
| VISITOR, s. 2. | REGULATIONS BY PRINCIPAL, s. 7. |
| TRUSTEES, s. 3. | To be submitted to Visitor and to |
| Matters to be regulated by, s. 6. | Legislature, ss. 9, 13. |
| Regulations to be submitted to | Report by, s. 11. |
| Visitor and to Legislature, ss. | STATUTES CONTINUED, s. 10. |
| 9, 13. | SUPERANNUATION, REGULATIONS AS |
| MASTERS AND OFFICERS, s. 4. | TO, s. 12. |
| Qualifications of Masters, s. 8. | |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows :—

- Name. 1. The school now established in Toronto, and known as "Upper Canada College and Royal Grammar School," shall hereafter be known as "Upper Canada College." 50 V. c. 42 s. 1.
- Lieutenant-Governor to be the Visitor. 2. The Lieutenant-Governor shall be the Visitor of the said College, on behalf of the Crown, and his visitorial powers may be exercised by Commission under the Great Seal, the proceedings whereof, having been first confirmed by Order in Council, shall be binding upon the College, and all persons whomsoever. 50 V. c. 42, s. 2.
- Board of trustees. 3. The College shall be under the management of five trustees, appointed by the Lieutenant-Governor, who shall hold office during pleasure. 50 V. c. 42, s. 3.
- College masters. 4. There shall be in the College a principal and such masters, officers and servants as may from time to time be directed by order of the Lieutenant-Governor in Council. 50 V. c. 42, s. 4.
- No religious test, etc., to be required. 5. No religious test or profession of religious faith shall be required of any principal, master, pupil, officer or servant of the College, nor shall religious observances, according to the forms of any religious denomination, be imposed on them or any of them. 50 V. c. 42, s. 5.

6. The trustees may make regulations—

Matters to be regulated by trustees.

1. For holding written examinations for the admission of pupils to the College, or for their promotion from time to time; for regulating the fees to be paid by pupils for tuition and maintenance; for promoting the efficiency of the College; for the care of College property; and generally for carrying this Act into effect, according to its true intent and meaning;

2. For the moral training of the pupils and their attendance on public worship in their respective churches or other places of worship, and for their religious instruction by their respective ministers, and every facility shall be afforded for such purposes.

7. The principal may make regulations for the direction of the masters, officers and servants, in regard to their respective duties, and for the discipline and instruction of the pupils of the College in such matters and to such extent as he may deem expedient, subject to the approval of the trustees and the Lieutenant-Governor in Council. 50 V. c. 42, s. 7.

Matters to be regulated by principal.

8. All masters hereafter appointed to the College, shall possess the qualifications required of masters or assistants in high schools, and the College, in regard to its methods of instruction, discipline and organization, shall be subject to the same inspection as high schools generally. 50 V. c. 42, s. 8.

Qualifications of masters.

9. A certified copy of every regulation made under this Act by the trustees of the College, and of every regulation made by the principal, after being approved by the trustees, shall be transmitted within ten days from the passing thereof to the Minister of Education, to be by him submitted to the Visitor for his approval, and no regulation shall be of any force or effect until so approved. 50 V. c. 42, s. 9.

Regulations to be submitted to Visitor.

10. All statutes, rules and ordinances of the College in force on the 21st day of October, 1887, and which are not inconsistent with the provisions hereof, shall be and continue in force until repealed, altered or amended as herein provided. 50 V. c. 42, s. 10.

Statutes, etc., continued.

11. The principal of the College shall report to the Minister of Education, on or before the 15th day of January in every year, the annual attendance of pupils, the number in each class, form or subject, the number admitted or promoted each term, the number retiring from the College, with reasons for their retirement, and generally such other information as he may deem expedient, or as may be required by the Minister of Education. 50 V. c. 42, s. 11.

Annual report to be made by Principal.

Regulations as to superannuation of masters.

12.—(1) The Lieutenant-Governor in Council may make regulations for the retirement and superannuation of any teacher, officer or servant of the College, now employed, and any gratuity or superannuation allowance paid under this Act shall be a charge upon any moneys or securities vested in the Crown at the date of this Act in trust for Upper Canada College and shall be paid out of the same as the Lieutenant-Governor in Council may direct.

Regulations to be laid before Legislative Assembly.

(2) Every such regulation shall be laid before the Legislative Assembly forthwith if the Legislature is in session at the date of the regulation, and if the Legislature is not in session such regulation shall be laid before the House within the first seven days of the session next after the regulation is made.

Regulations, if disapproved of, to be of no effect.

(3) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the regulation is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution of such regulation, either wholly or of any part thereof, the regulation, so far as disapproved of, shall have no effect from the time of such resolution being passed. 50 V. c. 42, s. 12.

Report and regulations to be laid before Legislature.

13. Copies of the annual reports, and of the regulations of the trustees or principal which may have been approved by the Visitor, shall be laid before the Legislative Assembly at the then next session thereof. 50 V. c. 42, s. 13.

CHAPTER 230.

An Act respecting the Federation of the University of Toronto and University College with other Universities and Colleges.

UNIVERSITY OF TORONTO :

Name, s. 1.
 A Corporation, s. 2.
 Members of Corporation, s. 3.
 Visitor, s. 4.
 Subjects of instruction, s. 5.
 Federation of Universities, ss. 6, 7.
 Affiliation of Colleges, ss. 8, 53-55.
 The Chancellor, s. 9.
 Election of, ss. 15-27.
 The Vice-Chancellor, s. 10.
 The Senate, s. 11.
 Election of members, ss. 15-27.
 Crown appointees, provisions respecting, ss. 28-30.
 Proceedings of, ss. 31-33.
 Powers and duties, ss. 34-46.
 Examinations, ss. 46-52, 54, 55.
 Council of University, ss. 56-58.

Convocation, ss. 12-14.

Powers, s. 59.

Meetings, ss. 60-62.

Chairman, ss. 63, 64.

Proceedings of, ss. 65-67.

UNIVERSITY COLLEGE :

College continued, s. 68.

Visitor, s. 69.

Council of College, ss. 68, 70-75.

Reports by, s. 80.

President, professors, etc., s. 76.

Faculty, s. 77.

Fees, s. 78.

Students to be enrolled, s. 79.

RELIGIOUS TESTS NOT REQUIRED, s. 81.

ENDOWMENT OF PROFESSORSHIPS, ETC., ss. 82-86.

TRANSFER OF SUBJECTS ASSIGNED TO UNIVERSITY AND COLLEGE, s. 87.

SUPERANNUATION, s. 88.

COMMENCEMENT OF ACT, s. 89.

WHEREAS, it is desirable that the Universities and Colleges of the Province of Ontario should be permitted to enter into such relations with the University of Toronto as would enable them to avail themselves of the instruction given by the Faculty of the said University;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The name of the University shall be “The University of Toronto.” 50 V. c. 43, s. 1. Name of University.

2.—(1) The University of Toronto shall continue to be a body corporate, with power to hold any real property assigned to it under the provisions of any former Act, or of this Act, and with such other powers and privileges as are conferred upon it by those portions of the charter remaining in force, which was granted in the eighth year of the reign of His late Majesty King George the Fourth, or by any former Act, but such powers shall be exercised in accordance with the provisions of this Act. General powers.

(2) The Chancellor and Vice-Chancellor, and the Senate, and all officers, and all existing appointments, statutes, rules and regulations affecting such University, shall continue, subject to the provisions of this Act. 50 V. c. 43, s. 2.

Corporation of the University, how composed.

3. The Corporation of the University of Toronto shall consist of the Chancellor, Vice-Chancellor, professors, and members of the Senate and of Convocation for the time being. 50 V. c. 43, s. 3.

Lieutenant-Governor to be Visitor.

4. The Lieutenant-Governor shall be the Visitor of the University on behalf of the Crown, and his visitorial powers may be exercised by commission under the Great Seal, and the proceedings of any commission, having been first confirmed by the Lieutenant-Governor, shall be binding on the University and its members and on all persons whomsoever. 50 V. c. 43, s. 4.

Teaching Faculty.

5.—(1) There shall be established in the University of Toronto a teaching faculty in the following subjects, viz.: Pure Mathematics, Physics, Astronomy, Geology, Mineralogy, Chemistry (Pure and Applied), Zoology, Botany, Physiology, History, Ethnology and Comparative Philology, History of Philosophy, Logic and Metaphysics, Education, Spanish and Italian, Political Science, (including Political Economy, Jurisprudence, and Constitutional Law), Engineering, and such other Sciences, Arts, and branches of knowledge, including a teaching faculty in Medicine and in Law, as the Senate may from time to time determine, unless otherwise prohibited by this Act.

President, etc., to be appointed by the Lieutenant-Governor.

(2) The president, professors, lecturers, teachers, officers and servants of the University shall be appointed by the Lieutenant-Governor, after such examination, inquiry and report as he considers necessary, and shall hold office during his pleasure; but the president may, at any time, suspend any officer or servant, and in case of so doing shall report the same forthwith to the Visitor.

Optional subjects.

(3) The curriculum in Arts of the University, shall include the subjects of Biblical Greek, Biblical Literature, Christian Ethics, Apologetics, the Evidences of Natural and Revealed Religion and Church History, but any provision for examination and instruction in the same shall be left to the voluntary action of the federating universities and colleges, and provision shall be made by a system of options to prevent such subjects being made compulsory upon any candidate for a degree.

Lectures free except fees for laboratory and lectures in medicine and law.

(4) Any lectures of the University faculty shall, with the exception of laboratory fees and the lectures in the faculty of Medicine and of Law, be free of charge to all students matriculated in the University who are enrolled in a federating university, or in University College or in a federating college, and who enter their names with the registrar of the University

Faculty; but in the case of all other students the senate shall determine the fees which shall be charged for the several courses of lectures in the University.

(5) In case the faculties of medicine or law are established the senate may from time to time, by statute, regulate the instruction to be given, the fees to be paid for lectures, the duties of professors, the discipline of students, and all other matters pertaining to the establishment and management of such faculties. 50 V. c. 43, s. 5. Faculties of Medicine and Law.

6.—(1) Any university in the Province of Ontario that suspends its power to confer such degrees as it may be authorized to confer (excepting degrees in theology) shall be entitled to be represented on the senate of the University of Toronto as hereinafter provided, and shall, during the term of the suspension of such power as aforesaid, be known as a federating university, with a right to all the privileges and franchises hereinafter mentioned. Federating University must suspend its power to confer degrees.

(2) When any university in Ontario has decided to suspend its powers of conferring degrees as aforesaid, it shall notify the Provincial Secretary to that effect, and on the receipt of the notice the Lieutenant-Governor in Council may, by proclamation, in the *Ontario Gazette*, declare such university to be federated with the University of Toronto, on and after such date as may be named in the proclamation, and thereupon the power to confer such degrees shall remain in abeyance until proclamation is made to the contrary effect in a similar way. Proclamation of such suspension.

(3) Any federating university, before resuming the power of conferring degrees so suspended or held in abeyance shall, through its proper officer, notify the Provincial Secretary of its intention to do so, but such power shall not be exercised for three years after the date of such federation, nor until one year after notice is received as aforesaid, proclamation of which shall be made in the *Ontario Gazette*. 50 V. c. 43, s. 6. How to resume power to confer degrees.

7. The graduates and undergraduates in arts, science and law of any federating university, and such graduates and undergraduates in medicine as have passed their examinations in the Province of Ontario shall, from and after the date of such federation, have and enjoy the same degrees, honours and status in the University of Toronto as they previously held in the federating university, and shall be entitled, subject to the provisions of this Act, to all the rights and privileges pertaining to such degrees and status, so long as such federation continues. 50 V. c. 43, s. 7. Status of graduates, etc.

8.—(1) A college affiliated with a federating university shall be deemed to be affiliated with the University of Toronto, but such affiliated college, or any other college hereafter affiliated with the University of Toronto, shall not thereby Affiliated colleges generally

acquire the right of representation on the senate, unless so declared in a statute of the senate in that behalf.

Affiliated
colleges in
Toronto.

(2) All colleges in Toronto, which are in affiliation with the University of Toronto when this Act takes effect, not being schools of medicine, shall be considered federating colleges within the meaning of this Act, and any school of medicine in affiliation with the University of Toronto when this Act takes effect shall be deemed to be affiliated with the said University.

Senate may
remove from
federation.

(3) The senate may by statute remove from federation with the University of Toronto any federating college which affiliates with or becomes an integral part of any other university, exercising university power other than that of conferring degrees in Theology. 50 V. c. 43, s. 8.

CHANCELLOR.

Term of office.

9.—(1) The Chancellor of the said University shall be elected by the members of convocation, in the manner hereinafter mentioned, and shall hold office for three years, and until his successor is elected.

(2) The ordinary triennial election of Chancellor shall take place on the first Wednesday in October in any year in which an election is required.

Vacancy in the
office of
Chancellor,
how filled.

(3) In case of vacancy in the office of Chancellor, by death, resignation, or any other cause, before the expiration of his term of office, then, at a special election, to be holden for that purpose (of which election notice shall be given in such manner as may be provided by statute of the senate), the members of convocation entitled to vote shall elect a Chancellor for the remainder of the term in which such death, resignation, or other avoidance may have happened. 50 V. c. 43, s. 9.

VICE-CHANCELLOR.

Term of office.

10.—(1) The Vice-Chancellor of the University shall be elected by the members of the senate from among themselves, and shall hold office for three years, and until his successor is appointed.

(2) The ordinary triennial election of Vice-Chancellor shall take place at the first meeting of the senate, in any academic year, in which such election may be required, and the registrar shall, at least one month before the meeting, notify all the members of the senate that the election is to be held.

Vacancies to
be filled up by
the Senate.

(3) In case of vacancy in the office of Vice-Chancellor by death, resignation, or any other cause, before the expiration of his term of office, the members of the senate shall, at a meeting to be held by them for that purpose, as soon as conveniently may be, of which notice shall be given in such manner as may be provided by statute of the senate, elect one other of the said members of the senate to be Vice-Chancellor for the remainder of the term. 50 V. c. 43, s. 10.

THE SENATE.

11. The senate of the University of Toronto shall be composed as follows :—

1. The Minister of Education, the Chancellor, the president of University College, the president or other head of each federating University or College, and all Chancellors and Vice-Chancellors of the University of Toronto who held these offices before or who hold the same at the commencement of this Act, shall be *ex-officio* members of the senate ;

2. The council of University College, the Law Society of Upper Canada, the governing body of every federating University, or College, and of every college or school in this Province, now affiliated or hereafter affiliated with the University of Toronto, subject to the provisions of section 8, may appoint one member, the council of the University may appoint three members, and the Lieutenant-Governor in Council may appoint nine members of the senate.

(a) One member of the council of University College shall be appointed triennially by the council of the College, and three members of the Faculty of the University by the council of the University, and these appointments shall be made in rotation and shall proceed by seniority until every member has in turn been a member of the senate, and so successively ; and in case the member in rotation is otherwise of the senate, or if he decline to act, the office shall fall to the next member or members. The registrar of the University council shall, from time to time, certify to the registrar of the senate, the members who, under this provision, become members of the senate.

3. At the first and second elections held under this Act, the graduates in Arts of the University of Toronto and of every federating university shall respectively be entitled to elect to the senate, as hereinafter provided, one representative for every one hundred graduates in Arts on the register of the University when this Act takes effect, (a fraction over the last one hundred, if exceeding fifty to count as a full hundred), the graduates in Medicine shall be entitled to elect four members and the graduates in Law two members, of the senate.

4. At any election to the senate that takes place under this Act, the graduates in Medicine of the University of Toronto and of any federating university or universities shall vote as one body ; and a similar rule shall apply to the graduates in Law.

5. For a period of six years after the federation of any university, the graduates in Arts of the federating university and of the University of Toronto, shall vote in all elections to

Ex-officio
members.

Appointed
members.

Elected
members

Graduates in
Medicine and
Law.

Certain gradu-
ates to vote
as a separate
body for six
years.

the senate as distinct and separate bodies; but in all elections thereafter, the graduates shall vote as members of one convocation, and shall conjointly as graduates of the University of Toronto, elect the same number of members of the senate as theretofore they were entitled to elect separately.

Election register.

6. The registrar of the senate shall, as often as an election takes place during the said period of six years, in preparing the election register hereinafter mentioned, make out a separate list of the graduates in arts of the University of Toronto, and of every federating university, and shall also make out a separate voter's list of the graduates in medicine and of the graduates in law, and for the said period of six years such voters' lists shall be the voters' lists in all elections to the senate.

High School representatives.

7. The headmasters and assistant masters of collegiate institutes and high schools may elect two members as hereinafter provided. 50 V. c. 43, s. 11.

CONVOCATION.

Convocation of whom to consist.

12. The convocation of the University of Toronto shall consist of the graduates in the several faculties of the University, and every graduate shall be a member of convocation. 50 V. c. 43, s. 12.

Register of graduates.

13. The register of graduates shall be kept by the registrar of the University, and shall be open and accessible to members of convocation during office hours, and the persons only whose names appear thereon, shall be entitled to vote as members of convocation. 50 V. c. 43, s. 13.

Election register.

14.—(1) The registrar of the University shall triennially, after commencement when degrees are conferred, in every year in which an election is to take place, make out an alphabetical list or register, to be called "The Election Register," of the names and known addresses of the members of convocation, who are entitled to vote as such members; and such register may be examined by any member of convocation at all reasonable times at the office of the said registrar.

Errors.

(2) In case a member of convocation complains to the registrar, in writing, of the improper omission or insertion of any name in the list, it shall be the duty of the registrar forthwith to examine into the complaint and to rectify the error if any there be, subject at all times to an appeal to the Chancellor or Vice-Chancellor. 50 V. c. 43, s. 14.

How corrected.

ELECTION OF CHANCELLOR AND MEMBERS OF SENATE.

Election of Chancellor and members of the Senate.

15.—(1) Any ten members of convocation may nominate a candidate for the office of Chancellor, or for the office of member of the senate, and the nomination paper or papers shall be

sent in to the registrar, on or before the first Wednesday of September in any year in which an election is to be held.

(2) At least one week after the said first Wednesday in September, the registrar shall send by post, where his residence is known, the form of voting paper in the schedule to this Act to each member of convocation, with the list of names of all candidates nominated by ten members, and also a list of the retiring members, and the voting for members of the senate shall be limited to the persons who have been so nominated.

List of members of senate to be sent with list of voters.

(a) In the case of head masters and assistant teachers of high schools and collegiate institutes, their addresses shall be furnished by the Education Department on the application of the registrar, and their election shall in all other respects be governed by the provisions of this Act.

(3) In the case of a university federating with the University of Toronto, the federating university shall at the time herein fixed for the federation taking effect, elect the full number of representatives to which as a federating university it may be entitled, as provided in section 11 of this Act.

Federating university to elect full number of representatives.

(4) For a period of six years after the federation of any university with the University of Toronto, separate nomination papers shall be made out for the election of members of the senate, by the graduates in arts of the University of Toronto, and the graduates in arts of a federating university respectively. 50 V. c. 43, s. 15.

Separate nomination papers for six years.

16. The votes at an election by convocation for Chancellor and for members of the senate respectively, shall be given by closed voting papers, in the form in the schedule to this Act, or to the like effect, being delivered to the registrar of the University, at his office between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, on any day between the second Wednesday of September and the first Wednesday of October, in each year in which an election is held; and any voting papers received by the registrar by post during the time aforesaid, shall be deemed as delivered to him for the purpose of the election. 50 V. c. 43, s. 16.

How votes are to be given.

17. The voting papers shall, upon the Thursday after the first Wednesday of October, be opened by the registrar of the University, in the presence of the scrutineers, to be appointed as hereinafter mentioned, who shall examine and count the votes, and keep a record thereof in a proper book to be provided by the senate. 50 V. c. 43, s. 17.

Opening voting papers.

18. The person who has the highest number of votes at any election for Chancellor shall be Chancellor of the University for the term of office then next ensuing, or for the unexpired portion of the then current term, as the case may be. 50 V. c. 43, s. 18.

Election of Chancellor.

Election of
members of
Senate.

19. The persons who have the highest number of votes for members of the senate shall be declared elected members thereof, their number and term of office being limited as herebefore provided. 50 V. c. 43, s. 19.

Who may be
present at
opening of
papers.

20. Any person entitled to vote at the election shall be entitled to be present at the opening of the voting papers. 50 V. c. 43, s. 20.

Equality of
votes.

21. In case of an equality of votes between two or more persons, which leaves the election of the Chancellor, or of one or more members of the senate, undecided, then the scrutineers shall forthwith put into a ballot-box a number of papers with the names of the candidates respectively having such equality of votes written thereon, one for each candidate, and the registrar of the University, shall draw from the ballot-box, in the presence of the scrutineers, one of the papers in the case of the election of Chancellor, and one or more of the papers in the case of the election of members of the senate, sufficient to make up the required number, and the persons whose names are upon the papers so drawn shall be respectively the Chancellor and the members of the senate. 50 V. c. 43, s. 21.

Declaration
of result of
election.

22. Upon the completion of the counting of the votes and of the scrutiny, the Vice-Chancellor, or other person acting as and for him, shall forthwith declare the result of the election and shall, as soon as conveniently may be, report the same in writing signed by himself and by the scrutineers, to the senate and to the Secretary of the Province. 50 V. c. 43, s. 22.

Appointment
of scrutineers.

23. The senate of the University or, in default, the Chancellor, shall, at least two weeks previous to the election, appoint two persons who, with the Vice-Chancellor, shall act as scrutineers at the next ensuing election; and the senate or, in default, the Chancellor, shall appoint a member of the senate, who shall act for and as the Vice-Chancellor, should he be absent from the election. 50 V. c. 43, s. 23.

Informal vot-
ing papers.

24. In the event of any elector placing more than one name on his voting paper for Chancellor, or more than the required number on his voting paper for members of the senate, the first name only shall be taken for Chancellor, and the first names only, not exceeding the required number, shall be taken for the members of the senate. 50 V. c. 43, s. 24.

Term of
members of
senate to
cease at com-
mencement of
Act.

25. On this Act taking effect as provided by section 6, the term of all appointed and elected members of the senate of the University of Toronto then in office shall cease and determine, and all members of the senate elected thereafter by convocation, shall remain in office for a period of three years. 50 V. c. 43, s. 25.

26. In case any vacancy shall occur by the death, resignation or removal from the Province of any member of the senate elected by convocation before the expiry of his term of office, the senate shall thereupon appoint, from amongst the members of convocation, another member of the senate for the unexpired period of the term. 50 V. c. 43, s. 26.

Vacancies in Senate, how filled.

27. At all elections to take place under this Act, retiring Chancellors or members of the senate shall be eligible for re-election. 50 V. c. 43, s. 27.

Former Chancellors, etc., eligible for re-election.

28. Of the nine persons appointed by the Lieutenant-Governor, three shall retire in each year, in rotation, according to seniority of appointment; or in case of the appointment of the full number of nine members on this Act taking effect, then in the way the Lieutenant-Governor in Council may direct; and the vacancies in the senate respectively created by such retirements in each year, shall, from time to time, be filled by appointment of the Lieutenant-Governor, the members so appointed holding office for three years and retiring by rotation at the expiration of the said term. 50 V. c. 43, s. 28.

Crown appointees, their term of office.

29. Whenever any appointment is made by the Lieutenant-Governor to fill vacancies, whether on retirement by rotation, or from other cause arising, the Provincial Secretary for the time being shall forthwith communicate the name of the person so appointed to the registrar of the University. 50 V. c. 43, s. 29.

Crown appointees to be notified to the registrar.

30. If at any time, by death or otherwise, the number of the appointed members of the senate is reduced below the number of nine, and remains reduced for three months, if the Lieutenant-Governor does not think proper to complete the said number by appointment, the members of the senate may at a meeting to be held for that purpose (of which notice shall be given to the Provincial Secretary, and to the members of the senate in the manner provided by statute of senate), elect one or more fit and proper persons to be members of the senate in addition to the then remaining appointed members thereof, to the end that by means of such election the number of nine appointed members of the senate may thus be completed; and the members so elected to vacancies by the senate shall hold office for the term or for the remainder of the term pertaining to each such vacancy respectively. 50 V. c. 43, s. 30.

Provision when vacancies are not filled by Lieutenant-Governor.

31. All questions which come before the senate shall be decided by the majority of the members present; but in case of an equality of votes, the question shall be negatived. 50 V. c. 43, s. 31.

Majority to decide, etc.

Quorum.

Legal meet-
ings of the
Senate.

Chairman.

Senate to
manage the
business of the
University.

Rev. Stat.
c. 231.

Degrees.

Ad eundem
degrees.

Certificates of
proficiency.

32. No question shall be decided at any meeting unless the Chancellor or Vice-Chancellor and four other members of the senate, or, in the absence of the Chancellor and Vice-Chancellor, unless five other members of the senate, at the least, are present at the time of such decision, nor shall any meeting be legal unless held at the times or convened in the manner provided for by statute to be passed by the senate. 50 V. c. 43, s. 32.

33. At every meeting of the senate, the Chancellor, or in his absence the Vice-Chancellor, shall preside as chairman, or in the absence of both, a chairman shall be chosen by the members present, or a majority of them. 50 V. c. 43, s. 33.

34. The senate for the time being shall, subject to the provisions of *The Act respecting the Income and Property of the University of Toronto, University College, and Upper Canada College*, have the management of and superintendency over the affairs and business of the University. 50 V. c. 43, s. 34.

35. The senate shall have power to examine for, and after examination to confer the several degrees of Bachelor and Master of Arts, Bachelor and Doctor in Laws, Science, Philosophy, Medicine and Music, and Master in Surgery, and the degree of Civil Engineer, Mining Engineer, and Mechanical Engineer, or such of the said degrees as they shall think fit, and also to confer the several degrees of Bachelor, Master and Doctor in any department of knowledge whatever, except Theology, as the senate by statute in that behalf shall from time to time determine, and whether such departments of knowledge shall or shall not include any portion of the departments of knowledge for which degrees in arts, laws, science, medicine and music, or any of them, are authorized to be conferred by this Act : and such reasonable fees may be charged for or in respect of such examination and degrees respectively, or either of them, as the senate shall by statute in that behalf from time to time direct ; provided always that it shall be competent for the senate to confer the degrees of LL.D. and D.C.L., *honoris causâ*, under such statute as may in that behalf be passed. 50 V. c. 43, s. 35.

36. The senate shall also have power to admit to any of the said degrees as *ad eundem* degrees ; but no degree so conferred shall, without the consent of convocation in each case, entitle the holder thereof to be or become a member of convocation. 50 V. c. 43, s. 36.

37. The senate shall have power to examine for, and after examination to grant, certificates of proficiency or certificates of honour, in such branches of knowledge as the senate shall from time to time by statutes made in that behalf determine ; and on every such examination the candidate shall be examined by examiners appointed by the senate. 50 V. c. 43, s. 37.

38.—(1) At the conclusion of every examination of the candidates the examiners shall declare and certify to the registrar of the University the name of every candidate whom they have deemed to be qualified to receive any such certificate, together with such particulars as the senate shall from time to time determine; and such person shall, if otherwise approved by the senate and if they think fit, receive from the Chancellor a certificate under the seal of the University, and signed by the Chancellor or by the Vice-Chancellor, in which the branch or branches of knowledge in respect of which he or she has been allowed by the senate to obtain the certificate shall be stated, together with such other particulars, if any, as the senate may deem fitting to be stated therein; and such reasonable fees may be charged for or in respect of such examinations and certificates of proficiency respectively, or either of them as the senate shall, by statute in that behalf, from time to time direct.

Certificate of
result of ex-
aminations.

Fees.

(2) Every graduate's or student's diploma or certificate of standing, issued by the senate, in addition to being signed by the proper university authorities in that behalf, shall indicate the federating university, college or colleges in which such graduate or student was enrolled at the time of his graduation or examination and shall be signed by such professors, teachers and officers of such federating university, college or colleges, as its or their governing body or bodies may from time to time determine.

Diploma to be
signed.

(3) No student enrolled at any federating university or college (including University College), shall be allowed to present himself for any University examination, subsequent to matriculation, without producing a certificate, that he has complied with all the requirements of such federating university or college, affecting his admission to such examination.

Certificate
required.

(4) Attendance on instruction provided in any federating university or affiliated college, including University College, shall be accorded equal value as a condition of proceeding to any degree, as attendance at the University. 50 V. c. 43, s. 38.

Attendance.

39. The senate may from time to time make and alter any statutes not being repugnant to the laws of Ontario, or to the general objects and provisions of this Act:

Power to
make statutes.

1. Touching the examination for degrees, or for scholarships, prizes or certificates of honour;

2. The granting of such degrees, scholarships or certificates;

3. The fees to be paid by candidates for examination or upon taking any degree;

4. The application of such fees;

5. Touching the periods of the regular meetings of the senate and the mode of convening special meetings thereof; and

6. In general for promoting the purposes of the University, and touching all other matters whatsoever regarding the same or the business thereof, or for any purpose for which provision may be required for carrying out this Act according to its intent and spirit in any case not herein provided for. 50 V. c. 43, s. 39.

All statutes to be in writing and sealed and approved of by the Visitor.

40. All such statutes shall be reduced to writing and the common seal of the University shall be affixed thereto, and when they have been approved of by the Visitor, they shall be binding upon all persons being members or officers of the University, and upon all candidates for degrees, scholarships, prizes or certificates of honour, to be conferred by the University, and upon all others whom it may concern. 50 V. c. 43, s. 40.

Statutes to be subject to approval of Visitor.

41. A certified copy of every such statute shall be deposited with the Provincial Secretary within ten days after the passing thereof, to be laid before the Visitor of the University for his approval; and no such statute shall have force or effect until it is approved by the Visitor, and such approval has been signified through the said Secretary. 50 V. c. 43, s. 41.

Certain powers may be delegated by statute.

42. By any such statute approved as aforesaid power may be given to any committee, officers or persons to make regulations for better carrying out the provisions or object of any statute of the University, in the manner and to the extent therein prescribed. 50 V. c. 43, s. 42.

Officers.

43. The senate for the time being, may, from time to time, appoint all examiners required for the purposes of this Act, and may in like manner remove them or any of them. 50 V. c. 43, s. 43.

Existing statutes continued.

44. All statutes of the senate heretofore made under any Act of Parliament relating to the University, and which are in force on the day this Act takes effect, shall remain in force, in so far as they are not inconsistent with this Act, until repealed or altered by the senate. 50 V. c. 43, s. 44.

Senate to report to the Lieutenant-Governor.

45. The senate shall annually report to the Lieutenant-Governor, at such time as he may appoint, on the general condition and progress of the University, and may of its own motion, enquire into the conduct, teaching, and efficiency of any professor or teacher in said University Faculty or University College, and report to the Lieutenant-Governor the result of such enquiry, with such recommendations as they may think the circumstances of the case require. 50 V. c. 43, s. 45.

Examination for degrees, etc.

46. The senate, once at least in every year, at a time or times to be fixed by statute, shall cause to be held an examination of the candidates for degrees, scholarships, prizes or certificates of honour, as aforesaid. 50 V. c. 43, s. 46.

47. At every such examination the candidates shall be examined by examiners appointed for the purpose by the senate; and the candidates shall be examined orally or in writing or otherwise, in as many branches of general knowledge as the senate consider the most fitting subjects for such examination. 50 V. c. 43, s. 47. Examiners to be appointed by Senate.

48. No member of the senate shall be eligible to be appointed as an examiner, and no examiner shall be eligible for re-appointment more than four years consecutively. 50 V. c. 43, s. 48. Disqualification.

49. Special examinations may be held for honours. 50 V. c. 43, s. 49. Special examinations for honours.

50. Each examiner by acceptance of his appointment as such, shall become bound by the terms of the following declaration, and shall if required, sign the same in presence of the Chancellor, Vice-Chancellor or Registrar : Examiners to make a declaration of impartiality.

"I solemnly declare that I will perform my duty of Examiner without fear, favour, affection or partiality towards any candidate, and that I will not knowingly allow to any candidate any advantage which is not equally allowed to all. 50 V. c. 43, s. 50."

51. All the examinations shall be open and public. 50 V. c. 43, s. 51. Examination to be public.

52. The senate may establish scholarships, prizes and rewards to persons who distinguish themselves at their examination, and such scholarships shall be held to be University scholarships in any of the affiliated institutions in Ontario, and the holder thereof shall have the title of "University Scholar," except where otherwise conditioned and agreed to with the founders, or the heirs or representatives of the founders, of such scholarships; but no such scholarships, prizes or rewards shall be paid out of University funds. 50 V. c. 43, s. 52. Scholarships, prizes and rewards.

53.—(1) The senate may, by statute, prescribe that any college, school, or other institution established in this Province for the promotion of literature, science or art, or for instruction in law, medicine, mechanical science, engineering, agricultural or other useful branch of education, upon the application of such college, school, or other institution, shall be deemed to be affiliated with the said University for the purpose of admitting therefrom as candidates at any of the examinations for standing, or for scholarships, honours, degrees and certificates which the senate are authorized to confer, such persons as may have completed in such college, school or other institution, whilst affiliated with the University, such course of instruction preliminary to any of the said examinations. Affiliation of Colleges, etc.

(2) Any college, school or other institution affiliated with the University of Toronto, under this or any former Act, may be dissolved. Dissolution of affiliation.

be removed from such affiliation by statute of the senate passed in that behalf.

What institutions already affiliated.

(3) Excepting such colleges, schools or institutions as are now in connection with the University under special applications heretofore made in that behalf, or as may become so, in conformity with the provisions in this section contained, and excepting University College, and schools of Law and Medicine heretofore affiliated under section 18 of the Act passed in the 16th year of Her Majesty's reign, chaptered 89, and excepting those provided for by section 8 of this Act, no other college, school or institution shall be deemed or taken to be affiliated for any purpose with the University.

16 V. c. 89, s. 18.

Power to confer degrees in Divinity.

(4) Every incorporated Theological College, now or hereafter affiliated with the University of Toronto, shall, during such affiliation, have power to confer the degrees of Licentiate in Theology, of Bachelor of Divinity, and of Doctor of Divinity, on the conditions following :

(5) If such college now has the power to confer such degrees in Divinity, or if hereafter the power to confer such degrees is given to any such college by Act of this Legislature :

Regulations as to examinations.

(6) The degrees shall be conferred under such regulations as to examination and otherwise, and by such authority as may from time to time be prescribed by the governing body of the college.

Degree of Licentiate.

(7) A candidate for the degree of Licentiate in Theology must be of second year standing in the University of Toronto, or of equivalent standing in some other university recognized for that purpose by the affiliated college. He must, in addition, have taken the first year's pass examination in Oriental Literature, and the second and third year's pass examinations in Logic and Mental and Moral Science in the University of Toronto, or equivalent examinations in some other university recognized for that purpose by the affiliated college.

Degree in divinity.

(8) A candidate for the degree of Bachelor of Divinity, or of Doctor of Divinity, must be a graduate in Arts in the University of Toronto, or some other university recognized for that purpose by the affiliated college. 50 V. c. 43, s. 53.

Persons not educated in the affiliated institutions may be candidates for degrees, etc.

54. Persons not educated in any institution for the time being, federated or affiliated with the University, may be admitted as candidates for examination for standing or for any of the honours, scholarships, degrees, or certificates authorized to be conferred by the said University, on such conditions as the senate may from time to time determine. 50 V. c. 43, s. 54.

Examinations at affiliated institutions.

55. The senate may pass such statutes with regard to the examination of candidates at any affiliated college, school or institution in this Province as may appear convenient, and such examinations may be conducted by sub-examiners upon

papers or questions prepared by the examiners in the prescribed subjects, and may be deemed and taken as equivalent to the ordinary examinations held for any purpose at the University, and also for certificates of having undergone a satisfactory examination in any department of literature, science or art. 50 V. c. 43, s. 55.

THE UNIVERSITY COUNCIL.

56. The University council shall consist of a president appointed by the Lieutenant-Governor in Council, (who shall also be president of University College), and of the professors of the University; and such council shall have full authority and entire responsibility of discipline over all students in relation to the lectures and other instruction by the professors, lecturers, and other teachers of the University; and no lecturing or teaching of any kind shall be carried on in the University or in the School of Science, by any others except the duly appointed professors and teachers, without the authority of the University council. 50 V. c. 43, s. 56.

Constitution and authority of Council.

57. The University council shall have entire authority and responsibility for all work carried on by the societies and associations of students of the University; provided always that all such authority and responsibility shall be limited to the conduct of the students in relation to such societies and associations as are organized in connection with the University. 50 V. c. 43, s. 57.

Control of societies and associations of students.

58.—(1) The University council shall have entire authority over all officers and servants of the University whose services are required in connection with the work of instruction; and all curators, assistants, or servants, engaged in the lecture-rooms, laboratories, or otherwise in any department of instruction shall be under the sole authority of the University council.

Control of servants.

(2) The laboratory fees to be paid by students or other persons for attending the University, or receiving instruction therein, shall be determined by the Lieutenant-Governor in Council on the report of the University council. 50 V. c. 43, s. 58.

59. The convocation of the University shall have the powers following:—

Powers of Convocation.

1. The power of electing its own chairman;
2. The power of electing the Chancellor and certain members of the senate in manner hereinbefore provided;
3. The power of discussing any matter whatsoever relating to the University, and of declaring the opinion of convocation in any such matter;

4. The power of taking into consideration all questions affecting the well-being and prosperity of the University, and of making representations from time to time on such questions to the senate of the University, who shall consider the same and return to convocation their conclusions thereon ;

5. The power of deciding the mode of conducting and registering the proceedings of the convocation ;

6. The power of appointing and removing the clerk of convocation, and of prescribing his duties ;

7. The power of requiring a fee to be paid by members of convocation, as a condition of being placed on the register of members.

8. Convocation shall meet at such times and places as may from time to time be ordered by the senate, or by the executive committee of convocation, and notice of such meeting shall be given in such manner as said senate, or said executive committee shall from time to time determine. 50 V. c. 43, s. 59.

Extraordinary
meetings of
Convocation.

60. If twenty-five or more members of convocation shall by writing under their hands, require the chairman for the time being of convocation to convene an extraordinary meeting of convocation, and such requisition shall express the object of the meeting required to be called, it shall be the duty of the chairman, within a reasonable time, to convene such meeting of convocation. 50 V. c. 43, s. 60.

What may be
discussed.

61. No matter shall be discussed at any such extraordinary meeting, except the matter, or matters, for the discussion whereof it was convened. 50 V. c. 43, s. 61.

Place of meet-
ing.

62. The senate shall provide a proper place for the meeting of convocation, and the proceedings of any meeting of convocation shall be transmitted to the senate at the next following meeting of the senate. 50 V. c. 43, s. 62.

Chairman of
Convocation.

63.—(1) The chairman of convocation shall hold office for three years, or until his successor is elected, and shall be eligible for re-election.

(2) On expiration of any term of the said office, or in case of the death or resignation of the chairman, or any vacancy of the said office, the members of convocation present at any meeting duly convened, or the majority, shall elect a chairman, who, if elected, shall hold office during the period of three years, or until his successor is appointed. 50 V. c. 43, s. 63.

Absence of
chairman.

64. If the chairman is absent at the time of the meeting of convocation, or if there is a vacancy in the office, then, before proceeding to business the members of convocation

then present, or the major part of them, shall elect a chairman, who shall hold office during such meeting only. 50 V. c. 43, s. 64.

65. All questions which come before convocation shall be decided by the majority of votes of members present, or represented thereat, in such manner as may be provided by any resolution or by-law of convocation, and the chairman, at any meeting thereof, shall have a vote, and in case of equality of votes, a second or casting vote. 50 V. c. 43, s. 65.

Questions before Convocation how decided.

66. No question shall be decided at any meeting of convocation, unless thirty members at least are present. 50 V. c. 43, s. 66.

Quorum.

67. Any meeting of convocation shall have power to adjourn to a future day. 50 V. c. 43, s. 67.

Adjournments.

UNIVERSITY COLLEGE.

68.—(1) The collegiate institution heretofore constituted at the city of Toronto by the name of "University College" is hereby continued, and the body corporate called "The Council of University College," and the president, professors, officers, servants, and all other existing appointments, and all statutes, by-laws, rules and regulations of such council, are hereby continued, subject to the provisions of this Act.

College president, etc., to continue as heretofore.

(2) The council of University College shall include all the professors of the College Faculty, and shall be known as "The Council of University College," 50 V. c. 43, s. 68.

69. The Lieutenant-Governor shall be the Visitor of the said College on behalf of the Crown, and his visitorial powers may be exercised by commission under the Great Seal, and the proceedings of any commission so appointed being confirmed by the Lieutenant-Governor, shall be binding on the College and the council thereof, and on all persons whomsoever. 50 V. c. 43, s. 69.

Lieutenant-Governor to be visitor.

70. The College shall be under the direction, management and administration of the said body corporate called the Council of University College, and such body corporate shall have perpetual succession and a common seal, with power to hold real and personal property, subject to the provisions hereinafter made, and shall be capable of suing and being sued, pleading and being impleaded by the name aforesaid, and shall have the usual powers of corporate bodies, according to *The Interpretation Act*, subject to the said provisions. 50 V. c. 43, s. 70.

The Council or University College to manage the College, etc.
Rev. Stat. c. 1, s. 8 (25).

Members of
the Council.

71. The said corporation shall consist of a president and such professors as may from time to time be appointed to chairs in the said University College. 50 V. c. 43, s. 71.

Dean of Uni-
versity Col-
lege.

72. The dean of residence in University College for the time being shall be a member of the council of the said College. 50 V. c. 43, s. 72.

Meetings of
the Council.

73. The president, or in his absence, then the senior member of the council present, shall preside at all meetings of the said council, and in case of an equal division of votes among the members present, the question shall be negatived and among members appointed at the same time, or on the same day, the order in which their appointments were made shall be the order of seniority; and all such meetings shall be held at the times to be prescribed by the regulations of the said council. 50 V. c. 43, s. 73.

Quorum.

74. Any five members of the council shall be a quorum for transacting the business of the council and doing all things which the council may lawfully do; and all things done at any meeting of the council shall be ordered by the majority of votes of the members present thereat, subject to the provision hereinbefore made for the case of an equal division of votes. 50 V. c. 43, s. 74.

Majority to
decide.

Council to
make statutes
for certain
purposes.

75.—(1) The council may make regulations for the management of the property and business thereof, and for any purpose necessary for carrying this Act into effect according to its intent and spirit in cases for which no provision is made, so that such regulations be not inconsistent with this Act or the laws of this Province; and the council may from time to time amend or repeal the same.

Which shall
be transmitted
to Provincial
Secretary,
and approved
by Lieutenant-
Governor.

(2) A certified copy of all such regulations shall be transmitted to the Provincial Secretary within ten days from the passing thereof, to be submitted to the Visitor for his approval; and no regulation made by the said council shall have force and effect until it has been submitted to the said Visitor and by him approved. 50 V. c. 43, s. 75.

President,
and such as be ap-
pointed by the
Lieutenant-
Governor.

76. The president, professors, lecturers, teachers, officers and servants of the College shall be appointed by the Lieutenant-Governor, after such examination, enquiry and report as he considers necessary, and shall hold office during his pleasure; but the president may, at any time, suspend any officer or servant, any such case of suspension to be reported by him forthwith to the Visitor of the College. 50 V. c. 43, s. 76.

There shall be
a teaching
faculty.

77. There shall be established in the said University College a teaching faculty consisting of a professor, lecturer, and fellow, in each of the following subjects, viz.: Greek, Latin, French,

German and English, and a professor, and lecturer in Oriental Languages and a professor of Moral Philosophy, and Ancient History shall be taught in connection with the classes of Greek and Latin, and a teaching faculty may be established in such other subjects (except Divinity) not mentioned in section 5 of this Act, as by regulation made in that behalf may be determined, subject to the approval of the Lieutenant-Governor in Council. 50 V. c. 43, s. 77.

78. The fees to be paid by students or persons attending lectures or receiving instruction in University College shall be determined by the Lieutenant-Governor in Council on the report of the council of University College. 50 V. c. 43, s. 78.

Fees of
Students.

79. All students, except in cases specially provided for by statute of the senate shall be enrolled in University College, or in an affiliated college, or in a federating university. 50 V. c. 43, s. 79.

Students to be
enrolled.

80. The council shall, at all times when thereunto required by the Lieutenant-Governor, inquire into, examine and report upon any subject or matter connected with the said University College; and copies of such annual or other reports shall be laid before the Legislative Assembly of this Province at the then next session thereof. 50 V. c. 43, s. 80.

Council to
report to the
Lieut.-Governor.

Copies to be
laid before the
Legislative
Assembly.

PROVISIONS APPLICABLE TO UNIVERSITY OF TORONTO AND UNIVERSITY COLLEGE.

81. No religious test shall be required of any professor, lecturer, teacher, student, officer or servant of the said College or University, nor shall religious observances, according to the forms of any particular religious denomination, be imposed on them or any of them; but the University council, and the council of University College, may respectively make such regulations as they think expedient touching the moral conduct of the students and their attendance on public worship in their respective churches or other places of religious worship and respecting their religious instruction by their respective ministers, according to their respective forms of religious faith, and every facility shall be afforded for such purposes: provided always that attendance on such form of religious observance be not compulsory on any student attending the University or University College. 50 V. c. 43, s. 81.

No religious
test, etc., to be
required.

82. Any person, body politic or corporate, may found professorships, fellowships, lectureships, scholarships, exhibitions, prizes and other rewards in the said College or University, by providing a sufficient endowment in land or other property, and surrendering or conveying the same to the Crown for the purposes of the said College or University, and thereupon suing

Professorships
may be found-
ed by private
parties, and
how.

out letters patent from the Crown, instituting, establishing and endowing the same with the property so provided for that purpose as aforesaid. 50 V. c. 43, s. 82.

Letters patent shall set forth rules, etc.

83. In such letters patent shall be set forth such rules and regulations for the appointing to and conferring of such professorships, fellowships, lectureships, scholarships, prizes or other awards as the respective founders thereof, with the approbation of the Crown, think fit to prescribe for that purpose, all which rules and regulations the authorities of the said College or University shall observe and give effect to, as in the said letters patent may be directed. 50 V. c. 43, s. 83.

Certain professorships prohibited.

84. No professorship or lectureship shall be so founded for the teaching of any subject which under this Act is not to be taught in the said College or University. 50 V. c. 43, s. 84.

Endowment to be vested in the Crown.

85. Every endowment of lands or other property of the endowment as aforesaid shall be vested in the Crown for the purposes for which it was given, and also any property, real or personal, given, devised or bequeathed to the said College or University, or for the use thereof. 50 V. c. 43, s. 85.

Application of endowment.

86. The University endowment and all additions thereto shall be applied to the maintenance of the University, the University Faculty, and University College. 50 V. c. 43, s. 86.

Transfer of subjects assigned to the University and to University College.

87. The subjects assigned by sections 5 and 77 of this Act to the teaching faculties of the University and University College respectively, shall not be transferred from either of the said teaching faculties to the other, except upon the unanimous consent of the senate, expressed at a special meeting called for the consideration of such transfer, of which at least one month's notice shall be given, nor until such consent has been concurred in by the Lieutenant-Governor in Council. 50 V. c. 43, s. 87.

Regulations as to superannuation of professors.

88.—(1) The Lieutenant-Governor in Council may make regulations respecting the retirement or superannuation of any professor, lecturer, officer or servant of the said University or University College now employed, and any gratuity or superannuation allowance shall be a charge on the University endowment, and shall be paid out of the same as the Lieutenant-Governor in Council may from time to time direct.

Regulations to be laid before Legislative Assembly.

(2) Every such regulation shall be laid before the Legislative Assembly forthwith if the Legislature is in session at the date of such regulation, and if the Legislature is not in session such regulation shall be laid before the House within the first seven days of the session next after such regulation is made.

(3) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the said regulation is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution of such regulation, either wholly or of any part thereof, the regulation, so far as disapproved of, shall have no effect from the time of such resolution being passed. 50 V. c. 43, s. 88.

89. Section 5 and the sub-sections thereof referring to the establishment of a teaching faculty in medicine and law, and sub-sections 4, 5, 6, 7 and 8 of section 53, shall take effect on the 23rd day of April, 1887, and the remaining portion of this Act shall take effect by proclamation of the Lieutenant-Governor in Council, and when so proclaimed all other Acts inconsistent herewith shall be repealed. 50 V. c. 43, s. 89. Commence-
ment of Act.

SCHEDULE.

(Section 16).

FORM OF VOTING PAPER.

University of Toronto.

Election

18 .

I,
resident at
do hereby declare

in the County of

- (1) That the signature affixed hereto is my proper handwriting.
- (2) That I vote for the following person (*or persons*) as Chancellor *or* as members of the Senate (*as the case may be*) of the University of Toronto, viz., of in the County of etc., etc..
- (3) That I have not in this election signed any other voting paper as a graduate in the Faculty of Arts (*or Medicine or Law or as Headmaster or Assistant of a High School, as the case may be*).
- (4) That this voting paper was executed on the day of the date hereof.
- (5) That I vote in my right as Graduate of University, *or* Head Master *or* Assistant Master of a High School (*as the case may be*).

Witness my hand this

day of

A.D. 18 .

50 V. c. 43, Sched.

CHAPTER 231.

An Act respecting the Income and Property of the University of Toronto, University College and Upper Canada College.

PROPERTY VESTED IN CROWN, ss. 1, 6.

Management, s. 7.

UPPER CANADA COLLEGE, ss. 2-4.

Income fund, s. 18.

ISSUE OF DEBENTURES, s. 5.

BURSAR, ss. 7-12.

Investments to be taken in name of, s. 15.

Expenses of Office, s. 23.

CONVEYANCES OF PROPERTY, ss. 13, 14.

GENERAL AND PERMANENT INCOME

FUNDS, ss. 16-24.

Appropriations, how made, ss. 20-22.

Apportioning property for the use of the several institutions, s. 24.

IMPROVEMENT OF BUILDINGS, s. 25.

FISCAL YEAR, s. 26.

QUEEN'S PARK LEASE, s. 27.

AGREEMENT WITH VICTORIA UNIVERSITY CONFIRMED, s. 28.

COMMENCEMENT OF ACT, s. 29.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Property
vested in
Crown.

1. All the property and effects, real and personal, of what nature and kind soever vested in the Crown when this Act takes effect, in trust for the purposes of the University of Toronto, University College and Upper Canada College, shall hereafter be deemed to be and shall be so vested for the purposes of the University of Toronto and University College, subject to the provisions of this Act and the Acts respecting the said University of Toronto and University College. 50 V. c. 44, s. 1.

Site for Upper
Canada
College.

2. The Lieutenant-Governor in Council may assign as a site for the erection of new buildings for the use of Upper Canada College a portion of the property now vested in the Crown for the purposes of the University of Toronto and University College, or may acquire by purchase such other site within ten miles of the city of Toronto, as may be suitable. 50 V. c. 44, s. 2.

Sale of present
site of Upper
Canada
College
authorized.

3. That property in the city of Toronto forming the block of land between King, Adelaide, Simcoe and John streets, in said city, and being the present site of the said Upper Canada College, may be sold, subject to such terms and conditions and in such manner as the Lieutenant-Governor shall, by order in council, direct. 50 V. c. 44, s. 3.

4. Out of the moneys, or securities arising from the property so sold, or from property heretofore vested in the Crown in trust for Upper Canada College, and which heretofore formed in part the permanent fund of said College, the sum of \$100,000 shall be set apart by the Lieutenant-Governor in Council as a permanent fund for the said institution; and a further sum not exceeding \$120,000, exclusive of the cost of a site, for the erection of suitable buildings for the use and accommodation of the said Upper Canada College, and any sum remaining unexpended after paying the purchase money of such site and erecting and equipping the buildings aforesaid shall be appropriated for the use of the University of Toronto and University College as the Lieutenant-Governor in Council may direct. 50 V. c. 44, s. 4.

Endowment
fund of Upper
Canada
College.

5. For the purpose of erecting and equipping new buildings for the use of Upper Canada College and the University of Toronto and University College, and for the purpose of making such alterations in and additions to the present buildings of the University and University College as may be deemed expedient, the Lieutenant-Governor, by order in council, may provide for the issuing of debentures upon the credit of the permanent fund of the said University of Toronto to the amount of \$200,000, such debentures to run for such periods and at such rates of interest as shall seem proper to the said Lieutenant-Governor in Council, and the proceeds arising from the sale of such debentures shall be subject to the regulations of the Lieutenant-Governor in Council. 50 V. c. 44, s. 5.

Issue of
debentures
authorized.

6. All property, real and personal, hereafter given, devised or bequeathed to or for the said University of Toronto, University College or Upper Canada College shall be vested in the Crown for the purposes and support of said institutions respectively, subject to the provisions of this Act and to the terms of the gift, devise or bequest. 50 V. c. 44, s. 6.

Gifts for
University,
etc., to vest in
Crown.

7. All the property and effects, real and personal, vested in the Crown as aforesaid, shall be managed and administered under the orders of the Lieutenant-Governor in Council, by an officer to be appointed by commission under the great seal of this Province, to hold his office during pleasure and to be called the bursar of the University and Colleges of Toronto. 50 V. c. 44, s. 7.

Management
of property.

8. The salary of the bursar shall be such amount as may be appropriated by the Legislature, and the bursar shall be allowed by the Lieutenant-Governor in Council such assistance in his office as may be found necessary. 50 V. c. 44, s. 8.

Bursar's sal-
ary.

9. The bursar shall have a seal of office, and shall have such powers as may from time to time be assigned to him by the Lieutenant-Governor in Council, for the management and

Bursar to have
a seal, etc.

administration of the said property, for the leasing or sale of the same, or any portion thereof, including the present site of Upper Canada College, for the receiving of rents, issues and profits thereof or the proceeds of the sale of any part thereof, or of any moneys in any way arising therefrom, and he shall account for and pay over the same in such manner as the Lieutenant-Governor from time to time directs. 50 V. c. 44. s. 9.

Bursar to give security to the Crown.

10. The bursar shall give security to the Crown for the due performance of his duties and the faithful accounting for and paying over all moneys which come into his hands as such bursar, in such amount, with such securities, and in such manner and form as the Lieutenant-Governor in Council may direct. 50 V. c. 44, s. 10.

Responsibility of the bursar.

11. The bursar shall, as regards his obligation to account for and pay over the moneys which come into his hands as bursar, be deemed to be an officer employed in the collection of the Provincial Revenue, and shall in case of his default, be liable to be dealt with accordingly. 50 V. c. 44, s. 11.

To transmit annual accounts to the Lieutenant-Governor to be laid before the Legislative Assembly.

12.—(1) At such time in each year as the Lieutenant-Governor may appoint, the bursar shall make and transmit to him an annual account of the property under the bursar's management and of his official receipts and expenditure; and a copy of such account shall be laid before the Legislative Assembly at the next Session thereof.

What such accounts must shew.

(2) Every such annual account shall shew, among other things—

(a) The total investments in the permanent fund herein-after mentioned, and the annual income therefrom.

(b) The amount received each year from fees, interest, donations or other sources, and a detailed account of the amount expended in salaries, contingent expenses and buildings, specifying the duties of the persons receiving such salaries, and the purposes of such buildings. 50 V. c. 44, s. 12.

DEEDS OF CONVEYANCE.

Provision for facilitating the transfer of property sold.

13. In order to facilitate the transfer and conveyance of the property so as aforesaid vested in Her Majesty, the Lieutenant-Governor may from time to time issue a commission, under the Great Seal, to the bursar of the University and Colleges at Toronto, authorizing the said bursar, under his hand and seal of office, to transfer and convey any of such property to purchasers and others entitled to receive conveyances thereof; and all such transfers and conveyances may be made according to the form of the schedule to this Act, or in words to the like

effect; and the same shall to all intents and purposes grant, transfer and convey the lands therein set forth, to the parties therein specified, according to the quality of the estate and the conditions and provisions therein mentioned, in the same manner and with the like effect as if the same had been directly granted by the Crown under the provisions of this Act; but nothing herein contained shall prevent the Crown from granting such lands directly. 50 V. c. 44, s. 13.

14. All such transfers and conveyances shall be registered in the registry office of the registry division in which the lands are situate, in like manner and subject to the same provisions of law as conveyances from and to private parties. 50 V. c. 44, s. 14.

Transfers to be registered, etc.

15.—(1) When under any order of the Lieutenant-Governor in Council any part of the endowment of the University in Toronto, University College or Upper Canada College is authorized to be invested on the security of freehold lands in this Province, the mortgages or other instruments representing such investments may be made to and taken in the name of the bursar of the University and Colleges at Toronto in his official character as such, and his successors in office, and the said bursar and his successors shall have and possess such powers with respect to taking and holding such securities and releasing, discharging or assigning the same under his seal of office as bursar as from time to time may be assigned to him by any order of the Lieutenant-Governor in Council, under and subject to such regulations, terms and conditions as may be prescribed in such order.

Investments to be taken in the name of bursar.

(2) Each and every mortgage security heretofore taken, and in which any part of the property or endowment of the University of Toronto, University College, or Upper Canada College respectively, is invested, is hereby granted to and vested in the said bursar and his successors in office, under and subject to the provisions of this Act. 50 V. c. 44, s. 15.

GENERAL INCOME FUND.

16. The fees received for tuition, examination, degrees, certificates of honour or otherwise, in the said University of Toronto, in University College, and in the said Upper Canada College, the rents, issues and profits of all such property as aforesaid, and all the interest on the purchase money of any part of such property sold and not wholly paid for, or on moneys arising from the sale of any such property and invested at interest and all other casual and periodical incomings, including any donations or subscriptions touching which it has not been otherwise ordered by the donors, shall be deemed income for the purposes of this Act, and shall form the general income fund, and may be expended for the purposes and under the authority of this Act. 50 V. c. 44, s. 16.

General income fund constituted.

Permanent fund.

17. The purchase money of any such property sold and the principal of any money invested, shall be deemed permanent property, and shall not (except only in the case herein provided for) be expended or diminished in any way, but shall remain as a permanent fund for the support of the said institutions and the purposes of this Act. 50 V. c. 44, s. 17.

Income fund of U. C. College.

18. That part of the said income fund which is derived from the sum of \$100,000 to be set apart under the provisions of this Act as a permanent fund for the support of Upper Canada College or from property given, devised or bequeathed for the use of Upper Canada College, or from fees received from the said College and payable into the general funds thereof, shall, subject to the terms of the gifts, devises or bequests, be applied, under the direction of the Lieutenant-Governor in Council, to defray the current expenses of the said Upper Canada College and any balance remaining unexpended in any year shall be added to the permanent fund of the said College, or otherwise applied as the Lieutenant-Governor in Council may direct. 50 V. c. 44, s. 18.

University income fund and charges payable out of it.

19. The Lieutenant-Governor in Council may appropriate yearly the sum required to defray the current expenses of the said University of Toronto, and University College; including in both cases the care, maintenance and ordinary repairs of the property assigned for the use of the said University and College, or Upper Canada College, and with power to the Lieutenant-Governor in Council to decide what shall be deemed ordinary repairs as distinguished from permanent improvements. 50 V. c. 44, s. 19.

In what manner appropriations out of the said funds may be made.

20. In making such appropriations for the current expenses of the said University, or of University College, the Lieutenant-Governor in Council may either direct the particular purposes to which the whole or any part of the sum appropriated shall be applied, or place the whole or any part of such sum at the disposal of the senate of the said University or of the council of the said College, to be applied under the provisions of statutes in that behalf, approved as aforesaid. 50 V. c. 44, s. 20.

Sums may be placed at disposal of a committee.

21. By such statutes the said senate or council may place any sums at the disposal of any committee, or persons, to be applied by them according to the directions of such statutes, or in their discretion, to purposes to be therein named. 50 V. c. 44, s. 21.

Surplus how to be appropriated.

22. Any surplus of the said University income fund remaining at the end of any year after defraying the expenses payable out of the same, shall be treated as permanent property. 50 V. c. 44, s. 22.

23. The expenses of the bursar's office and the management of the property aforesaid shall be paid out of the said general income fund hereinbefore mentioned, and shall be the first charge thereon. 50 V. c. 44, s. 23.

Expenses of Bursar's office how paid.

24. The Lieutenant-Governor in Council shall from time to time assign for the use and purposes of the said University, of the said University College, and of the said Upper Canada College, respectively, such portions of the property vested in the Crown as aforesaid, as may be necessary for the convenient accommodation and business of the said institutions respectively; and the property so assigned for the use of each shall be deemed to be in the legal possession and under the control of the senate or council of such institution. 50 V. c. 44, s. 24.

Portions of property to be assigned for use of the said institutions.

IMPROVEMENT OF BUILDINGS.

25. Besides the building for which provision is made in section 5, the Lieutenant-Governor in Council may from time to time authorize such permanent improvements or additions to the buildings on the said property as may be necessary for the purposes of the said institutions respectively, and may direct the cost thereof to be paid out of that part of the permanent fund aforesaid hereby made applicable to the support of the institution for the purposes of which the improvement or addition is made; provided, however, that every Order in Council directing payment from the said permanent fund, under this section, shall, as soon as conveniently may be after the making of the same, be laid before the Legislative Assembly of the Province of Ontario for its ratification or rejection, and no such order shall be operative unless and until the same has been ratified by a resolution of the Legislative Assembly. 50 V. c. 44, s. 25.

Lieutenant-Governor in Council may authorize improvements.

26. For all the purposes of this Act, and of all accounts to be kept and payments or expenditure to be made under it, the fiscal year shall coincide with the calendar year. 50 V. c. 44, s. 26.

Fiscal year.

THE QUEEN'S PARK.

27. Whereas the bursar of the University of Toronto was by section 66 of chapter 62 of the Consolidated Statutes for Upper Canada authorized to demise at a nominal rent, for a period of nine hundred and ninety-nine years, to the corporation of the City of Toronto, in trust for the purposes of a park, as well for the use of the professors, students and other members of the University, as of the public generally, and for no other purpose whatsoever, so much of the land vested in Her Majesty as aforesaid, situate within or adjacent to the limits of the said city, as the said Chancellor, Vice-Chancellor and members of the Senate of the said University might, by by-law approved of by the Governor in Council, set apart for such

Lease to city of Toronto of land for a park.

Lands so
leased, to be
part of the
City, and resi-
due of the
University
lands adjacent
to be subject
to its police
regulations
and by-laws.

purposes, not exceeding in the whole fifty acres, and upon such terms and conditions as had been or might after the said Act took effect, be agreed upon between the said University and the council of the said corporation; and, whereas in pursuance of such powers, the said bursar made such lease as aforesaid: - Therefore it is enacted that, so long as the said lease remains in force, the land so demised, shall be deemed to be and shall be taken to form a part of the said City of Toronto; and the residue of the lands so vested in Her Majesty as aforesaid, adjacent to the said park, shall be subject to all the police regulations of the said city of Toronto, and to all by-laws of the said city in that behalf, 50 V. c. 44, s. 27.

Agreement
with Victoria
University
confirmed.

28. A certain agreement entered into by the Minister of Education granting to Victoria University a site on the land of the said University of Toronto, as set forth in a certain instrument bearing date the—day of—, 1886, and sealed with the seal of the said Victoria University, and signed by the chairman of the Board of Regents thereof, is hereby approved, and the Minister of Education is authorized to execute the same on behalf of the Province. 50 V. c. 44, s. 28.

Commence-
ment of Act.

29. This Act shall take effect by proclamation thereof in the *Ontario Gazette*, and thereupon all other Acts respecting the endowment of the University of Toronto and Upper Canada College shall be repealed. 50 V. c. 44, s. 29.

SCHEDULE.

(Section 13.)

FORM OF CONVEYANCE.

To all to whom these presents shall come :

Whereas *A. B.*, of _____ is entitled to receive a conveyance of the lands hereinafter mentioned, which lands are part of certain property vested in Her Majesty, in trust for the purposes set forth in chapter 231 of the Revised Statutes of Ontario, 1887; And whereas, under the provisions of the said Statute, *C. D.*, of _____, the Bursar of the said University and Colleges at Toronto, has been authorized by a Commission under the Great Seal of this Province to transfer and convey any of the property aforesaid to purchasers and others entitled to receive conveyances thereof: Now these presents witness that the said *C. D.*, as such Bursar, under and by virtue of the said Commission and the Statute in that behalf, and in consideration of the sum of _____ paid therefor by the said *A. B.*, hereby grants, transfers and conveys to the said *A. B.*, his heirs and assigns for ever (or as the case may be,) all that certain parcel or tract of land, being lot, etc., (as the case may be), which said land is bounded or may be known as follows, etc. (describe the land by its boundaries, and insert any reservations, conditions or provisos). In witness whereof the said *C. D.*, as Bursar aforesaid, has hereunto set his hand and affixed the seal of his office, this _____ day, etc.

Signed, sealed and delivered } *C. D.*,
in presence of }

Bursar, [L.S.]
50 V. c. 44, Sched.

CHAPTER 232.

An Act respecting the School of Practical Science.

| | | |
|----------------------------------|----|--------------------------------|
| SCHOOL CONTINUED, s. 1. | .. | INSTRUCTION, ss. 6-8. |
| GEOLOGICAL MUSEUM, s. 2. | | LECTURERS, s. 9. |
| SITE, s. 3. | | ARRANGEMENTS WITH TORONTO UNI- |
| GIFTS TO, s. 4. | | VERSITY, s. 10. |
| OWNERS OF MINES TO FURNISH SPEC- | | ANNUAL REPORT, s. 11. |
| MENS, s. 5. | | FEES, s. 12. |
| RULES, s. 6. | | |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The School of Practical Science heretofore established in this Province for instruction in mining, engineering, and the mechanical and manufacturing arts is hereby continued. School of Practical Science continued. R. S. O. 1877, c. 212, s. 1.

2. In connection with the school there shall be a museum of geology and mineralogy, with other branches, in order to afford aids for practical instruction, and illustrations of the mineral and economic products of the Province. Museum of geology and mineralogy. R. S. O. 1877, c. 212, s. 2.

3. The site of the school and museum shall be in the City of Toronto, and the school and museum may be continued in the building already acquired, or such building may be sold and new premises erected or obtained therefor. Site of school. R. S. O. 1877, c. 212, s. 3.

4. It shall be lawful for the Lieutenant-Governor-in-Council, on behalf of this Province, to accept, hold and enjoy any gifts, bequests, or devises of personal or real property or effects which any person may think fit to make for the purposes of the said school and museum. Gifts, bequests, etc., to school. R. S. O. 1877, c. 212, s. 4.

5. Specimens of the ores, minerals and other products of any mine now being worked in this Province, shall, on request, be furnished by the respective owners of such mines for the school and museum, and the owners, in case of refusal to furnish such specimens, shall be liable to a fine not exceeding \$50 in each case of refusal, to be recovered according to the provisions of *The Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions.* Owners of mines to furnish specimens. Rev. Stat. c. 74. R. S. O. 1877, c. 212, s. 5.

Rules, etc., of
the school.

6. The government of the school and museum shall be under and according to such rules and regulations as the Lieutenant-Governor-in-Council may from time to time prescribe; and the rules and regulations shall contain provisions for the subjects and course of study in each branch of practical science in which instruction is to be given, and may authorize certificates of proficiency, scholarships or other rewards to be given after examination in any of such subjects, and may also impose reasonable fees for attendance upon classes and lectures. R. S. O. 1877, c. 212, s. 6.

Nature of
instruction.

7. The school shall be furnished with all such appliances and apparatus as may be necessary for practical education in the hereinbefore mentioned arts, and the course of instruction therein shall be with reference to the following subjects:

1. The construction and working of machinery, manufactures, and mechanical powers in general;
2. The construction of roads, bridges, railways, water and drainage system, and other public works;
3. Mining, and the analysis of ores and minerals;
4. The chemistry applicable to arts and manufactures;
5. And such further subjects as will promote a knowledge of the physical sciences. R. S. O. 1877, c. 212, s. 7.

Who may
attend the
school.

8. Besides training students in regular classes at the school, instruction shall also be given to artisans, mechanics, and workmen, by evening classes, in such subjects as may further their improvement in their different callings. R. S. O. 1877, c. 212, s. 8.

Appointment
of lecturers,
etc.

9. The Lieutenant-Governor-in-Council may, from time to time, appoint such lecturers, instructors and assistants, as the Lieutenant-Governor-in-Council may think necessary for the efficient working of said school, and the promotion of its usefulness, and may entrust the internal management and discipline of said school to a board or council, composed of the lecturers and instructors therein. R. S. O. 1877, c. 212, s. 9.

Arrangements
with University
of Toronto
and University
College.

10. The Lieutenant-Governor-in-Council may make arrangements with University College for the attendance of students of the said school at such lectures in the college as may come within the course or subjects of instruction prescribed by the rules and regulations of the school; and may agree with the University of Toronto for the use of its library and museum for the purposes of the school, and for the acquisition of such specimens as have relation to geology and mineralogy, and may also affiliate the school with the university, but only to the extent of enabling students of the school to obtain, at the examination of the university, such rewards, honours, standing, scholarships and degrees in Science,

as the said university, under its statutes, and the Acts of the Legislature in that behalf, may be authorized to confer. R.S.O. 1877, c. 212, s. 10.

11. Full reports of the progress of the school shall be annually returned and submitted to the Legislative Assembly, which reports shall, amongst other things, contain: Annual reports to be submitted to the Legislative Assembly.

1. A tabular statement with the name, place of birth, age, residence and occupation, or intended occupation of each student attending in each term of said year, and the number of classes that such student attended, and his progress or proficiency;

2. A similar statement with respect to the persons attending evening classes or lectures;

3. A return of the lecturers, teachers and assistants, and the lectures delivered or classes instituted in each term, and the number of persons attending each lecture or class. R. S. O. 1877, c. 212, s. 11.

12. All fees and moneys received on account of the school shall be returned to the Treasurer of the Province, by whom all accounts relating to the said school shall be kept. R. S. O. 1877, c. 212, s. 12. Fees.

CHAPTER 233.

An Act respecting the Agricultural College.

SCHOOL CONTINUED, s. 1.

COURSE OF INSTRUCTION, ss. 2, 3.

EXPERIMENTS, s. 4.

RULES AND REGULATIONS, s. 5.

APPOINTMENT OF OFFICERS, s. 6.

ADVISORY BOARD, s. 7.

ADMISSION OF STUDENTS FREE, s. 8.

TERMS AND VACATIONS, s. 9.

AFFILIATION WITH UNIVERSITY OF TORONTO, s. 10.

MUSEUM AND LABORATORY, ss. 11-12.

NO RELIGIOUS TEST, s. 13.

ORDERS IN COUNCIL TO BE LAID BEFORE LEGISLATURE, s. 14.

REPORTS AND RETURNS, s. 15.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The School of Agriculture, heretofore established in the county of Wellington, in this Province, for instruction in the theory and practice of agriculture, horticulture and arboriculture, and the conducting of experiments relating thereto, is School of Agriculture, continued.

Nature. hereby continued, at its present site, under the name of the "Ontario Agricultural College and Experimental Farm." 43 V. c. 33, s. 1.

Nature of instruction.

2. The said college shall be furnished with all appliances, such as land, buildings, implements, tools and apparatus generally, as may be necessary for theoretical and practical education in agriculture, horticulture and arboriculture, and the course of instruction therein shall be with reference to the following subjects :

1. The theory and practice of agriculture ;
2. The theory and practice of horticulture ;
3. The theory and practice of arboriculture ;
4. The elements of the various sciences, especially chemistry (theoretical and practical), applicable to agriculture and horticulture ;
5. The technical English and mathematical branches requisite for an intelligent and successful performance of the business of agriculture and horticulture ;
6. The anatomy, physiology, and pathology, of the ordinary farm animals ; with the characteristics of the different varieties of each kind ; with the management thereof in the breeding, raising, fattening, and marketing of each, and with a knowledge of the cheese and butter factory systems ;
7. The principles of construction and skilful use of the different varieties of buildings, fences, drainage systems, and other permanent improvements, machinery, implements, tools and appliances necessary in agricultural and horticultural pursuits ;
8. And such other subjects as will promote a knowledge of the theory and practice of agriculture, horticulture and arboriculture. 43 V. c. 33, s. 2.

Education.

3. The education and instruction shall be at once theoretical and practical, the former known as a course of study and the latter as a course of apprenticeship ; and the hours of labour in such practical instruction shall be regulated by the president of the college, with the approval of the Commissioner of Agriculture ; and for the encouragement of such labours, an allowance in part liquidation of expenses may be made ; yet, notwithstanding, the course of apprenticeship may be dispensed with, if a satisfactory examination be previously passed in all the operations therein required. 43 V. c. 33, s. 3 ; 49 V. c. 47, s. 1.

Nature of experiments.

4. Experiments with the different varieties of cereals, grasses, and roots ; of trees, plants, shrubs, flowers, and fruits ; with different modes of cultivation ; with different manures ; with the breeding, raising, and fattening of animals ; with the pro-

ducts of the dairy; and with whatsoever else may be of practical benefit in adding to the knowledge of the facts, principles, and laws of the science and art of agriculture, horticulture, and arboriculture under the climatic conditions of this Province, shall be carried out on the experimental farm, and the modes of procedure and results published from time to time. 43 V. c. 33, s. 4.

Publication of
procedure and
results.

5. The government of the college shall be under and according to such rules and regulations as the Lieutenant-Governor in Council may from time to time prescribe; and such rules and regulations shall contain provisions for the standard and mode of admission, the course of study and apprenticeship in each branch in which instruction is given, and may authorize diplomas, certificates of proficiency, scholarships, or other rewards to be given, after examination, in any of such subjects; and may also impose reasonable fees for attendance. 43 V. c. 33, s. 5.

Rules, regula-
tions and
curriculum of
the College.

6. The Lieutenant-Governor in Council may from time to time appoint a president and such professors, instructors, officers, assistants, and servants as the Lieutenant-Governor in Council may deem necessary for the efficient working of the college, and the promotion of its usefulness, and may pass by-laws regulating and prescribing their respective duties. 43 V. c. 33, s. 6.

Appointments
to be made by
the Lieuten-
ant-Governor
in Council.

7.—(1) The Lieutenant-Governor in Council may appoint an Advisory Board of practical agriculturists to advise and assist the Commissioner of Agriculture in the management of the college and farm, and may by Order in Council prescribe its duties and powers. The members appointed to the board shall not exceed seven. The Assistant Commissioner of Agriculture shall be ex-officio a member of the board. Three members thereof may, upon the constitution of the board, be appointed for the period of one year, and the other members thereof for a period of two years. Subsequent appointments may be for a period of two years, and any retiring member shall be eligible for re-appointment. 49 V. c. 47, s. 2.

Advisory
Board.

(2) The members of the advisory board shall be paid for attending the meetings of the board an allowance not exceeding \$4 per day, and also their actual necessary travelling expenses in attending the meetings. 49 V. c. 47, s. 5.

Payment of
Board.

8.—(1) Every county and every territorial district in the Province may have the privilege of having during all college terms one student in attendance, and receiving instruction at the college, without the payment of any entrance or tuition fee. The county council of each county shall nominate the student entitled to this privilege for the county, and the advisory board shall nominate the students for the territorial district. Such

Admission of
students free
of entrance
and tuition
fees.

student must be the son of a practical farmer resident in the county or district, and have lived on his parents' farm at least two years prior to his admission to the college.

(2) The Lieutenant-Governor in Council may prescribe the manner in which such students shall be nominated by the county council and advisory board. 49 V. c. 47, s. 3.

Sessions,
terms and
vacations.

9. The sessions, terms and vacations shall be fixed by the Lieutenant-Governor in Council. 48 V. c. 11, s. 1.

Affiliation of
the College
with the Uni-
versity of
Toronto.

10. The Lieutenant-Governor in Council may agree with the University of Toronto for the affiliation of the said college with the said university, but only to the extent of enabling the students of the said college to obtain at the examinations of the university such rewards, honours, standing, scholarships, diplomas and degrees in agriculture as the university, under its statutes and the Acts of the Legislature in that behalf, may be allowed to confer. 43 V. c. 33, s. 8.

Museum and
laboratory.

11. In connection with the college there shall be a museum of agriculture and horticulture, together with the scientific and technical branches relating thereto, in order to afford aids to practical instruction, and illustrations of the agricultural and horticultural products of the Province; as well as a botanical and chemical laboratory to which vendors of seeds and artificial manures may send such seeds and manures, in order that, after the proper inspection and tests, their purity and strength may be reported for the benefit and protection of the agricultural community. 43 V. c. 33, s. 9.

Gifts, be-
quests, etc., to
college, mu-
seum or
laboratory.

12. It shall be lawful for the Lieutenant-Governor in Council on behalf of the Province to accept, hold and enjoy any gifts, bequests, or devises of personal or real property or effects which any person may think fit to make for the purposes of the said college, museum or laboratory. 43 V. c. 33, s. 10.

No religious
test or profes-
sion required
but all facili-
ties given for
acquiring reli-
gious training.

13. The Lieutenant-Governor in Council may make such regulations as may be deemed expedient touching the conduct of the students, and their attendance on public worship in their respective churches or other places of religious worship, and respecting their religious instruction by their respective ministers, according to their respective forms of religious faith, and every facility shall be afforded for such purposes. 43 V. c. 33, s. 11.

Orders in
Council to
be laid
before Legis-
lature.

14. Every Order in Council under this Act shall be laid before the Legislative Assembly forthwith, if the Legislature is in session at the date of the Order, and if the Legislature is not then in session, the Order is to be laid before the Assembly within the first fourteen days of the session next after the Order in Council is made; and in case the Assembly at the

said session (or if the session does not continue for three weeks after the Order is laid before the House then, at the ensuing session of the Legislature) disapprove by resolution of the Order in Council, the same so far as so disapproved of, shall have no effect from the time of such resolution being passed. 49 V. c. 47, s. 4.

15. Full reports of the progress of the college and farm shall be annually returned and submitted to the Legislative Assembly, which reports shall, amongst other things, contain: Reports and returns to the Legislative Assembly.

1. A tabular statement with the name and residence of each student attending in each session of the year, together with the name, residence and occupation of the parent or guardian, the number of classes that each student attended, and his progress and efficiency therein;

2. A return of the professors, instructors and assistants, with a summary of the instruction given by each;

3. A copy of the examination papers used in the sessional examinations, and the results thereof;

4. A summary of the operations in the various departments of the farm;

5. A clear and succinct account of the modes of procedure and results of the various experiments carried on during the year;

6. A detailed statement of the income and expenditure of the college and farm for the year;

7. A copy of all rules and regulations made during the year by the Lieutenant-Governor in Council, regarding the standard and mode of admission, the course of study and the course of apprenticeship;

8. A comparative statement shewing the progress of the college and farm from year to year. 43 V. c. 33, s. 12.

CHAPTER 234.

An Act respecting Industrial Schools.

| | |
|---|--|
| SHORT TITLE, s. 1. | DEPOSITIONS TO BE GIVEN TO OFFICER RECEIVING CHILD, s. 19. |
| INTERPRETATION, s. 2. | POWERS OF SCHOOL CORPORATION, s. 20. |
| ESTABLISHMENT OF SCHOOL, ss. 3, 4. | RULES OF MANAGEMENT, s. 21. |
| DELEGATION OF POWERS, s. 5. | MAINTENANCE, ORDER FOR, ss. 22-24. |
| APPOINTMENT OF TEACHERS, s. 6. | Liability for according to residence of child, s. 25. |
| COMMITTAL, ss. 7-10. | APPREHENSION ON ESCAPE, s. 26. |
| ROMAN CATHOLIC CHILDREN, PROVISOR AS TO, s. 11. | APPORTIONMENT OF GRANTS, s. 27. |
| VISITS BY CLERGYMEN, s. 12. | INSPECTION, s. 28. |
| PLACING OUT OF CHILDREN, ss. 13-16. | SURRENDER OF CHILD TO PARENTS, s. 29. |
| DISCHARGE, ss. 17, 18. | |
| Detention of child on application for, s. 18. | |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Industrial Schools Act*." 47 V. c. 46, s. 1.

Industrial School, definition of.

2.—(1) A school in which industrial training is provided, and in which children are lodged, clothed and fed, as well as taught shall exclusively be deemed an industrial school within the meaning of this Act. 47 V. c. 46, s. 2.

Philanthropic Society.

(2) "Philanthropic Society," in this Act, shall mean such philanthropic society incorporated as herein mentioned and approved by the Lieutenant-Governor-in-Council for the purposes of this Act. 47 V. c. 46, s. 30.

In cities, examination by Inspector, report thereon.

3. In case the public school board of trustees for any city or town, or the separate school trustees therein, establish an industrial school, and provide the necessary building or buildings, either by purchase, lease or otherwise, and provide the other requisites for such schools, and cause notice thereof to be given to the city inspector of public schools, or in case of a Roman Catholic industrial school then to one of the inspectors of separate schools, the said inspector shall make an examina-

tion of the school buildings so provided, and of their fitness for the reception of children, and shall enquire as to the other requisites provided, and shall enquire also into the means adopted for carrying on the school, and shall report the said particulars to the Minister of Education; and if the Minister is satisfied with the report of the inspector, he may, in writing under his hand, certify that the school is a fit and proper one for the reception of children to be sent there, and the school shall thereupon be deemed a certified industrial school for the purposes of this Act. 47 V. c. 46, s. 3.

Certificate by
Minister of
Education.

4. The notice of the grant of the certificate shall forthwith be given to the board by the Police Magistrate and the Judge of the County Court, and shall likewise be inserted by the board in the *Ontario Gazette*; and a copy of the *Gazette* containing the notice shall be conclusive evidence of the grant which may also be proved by the certificate itself, or by an instrument purporting to be a copy of the certificate, and attested as such by the Minister of Education for the time being, or his Deputy. 47 V. c. 46, s. 4.

Notice of the
certificate and
evidence
thereof.

5.—(1) Any board of school trustees may delegate the powers, rights and privileges conferred upon such board by this Act, respecting the establishment, control and management of an industrial school to any philanthropic society or societies incorporated under *The Act respecting Benevolent, Provident and other Societies*, or under any other Act in force in this Province, and the society or societies to which such powers are delegated, shall have and may exercise all the powers so delegated, and this Act shall thereafter apply to the philanthropic society or societies as fully as to the said boards; provided, nevertheless, that the chairman and secretary of the board of public school trustees in the city or town in which the industrial school is situated, or under whose control it is placed, and the public school inspector of the city or town, shall be members of the board of management of the society when acting under powers delegated by the board of public school trustees, and the chairman and secretary of the separate school board shall be members of the board of management, when the society is acting under powers delegated by the separate school board.

Delegation of
powers con-
ferred on
School Trus-
tees by this
Act.
Rev. Stat. c.
172.

(2) The by-laws of such society shall be subject to the approval of the Lieutenant-Governor in Council. 47 V. c. 46, s. 5.

6. The respective school boards shall provide the teachers necessary for the industrial school, and the general superintendent of the school shall, when practicable, be selected from the teachers so appointed. 47 V. c. 46, s. 6.

Appointment
of teachers and
general super-
intendent.

Certain children under fourteen may be brought before Police Magistrate or Justices.

7. Any person may at a special sitting bring before the Police Magistrate, or before the Judge of the County Court, and, except in cities where there is a Police Magistrate, before any Justice of the Peace, any child apparently under the age of fourteen years, who comes within any of the following descriptions, namely :

1. Who is found begging or receiving alms, or being in any street or public place for the purpose of begging or receiving alms ;

2. Who is found wandering, and not having any home or settled place of abode or proper guardianship, or not having any lawful occupation or business, or visible means of subsistence ;

3. Who is found destitute, either being an orphan or having a surviving parent who is undergoing penal servitude or imprisonment ;

4. Whose parent, step-parent or guardian represents to the Judge or Magistrate that he is unable to control the child, and that he desires the child to be sent to an industrial school, under this Act ;

5. Who, by reason of the neglect, drunkenness or other vices of the parents, is suffered to be growing up without salutary parental control and education, or in circumstances exposing him to lead an idle and dissolute life ;

6. Who has been found guilty of petty crime, and who, in the opinion of the Judge or Magistrate before whom he has been convicted, should be sent to an industrial school instead of to a gaol or reformatory. 47 V. c. 46, s. 7.

Magistrate to enquire into truth of facts charged.

8. No formal information shall be requisite to authorize proceedings being taken under the next preceding section, but the Judge or Magistrate, before issuing his order, shall have such child brought before him, and shall, in its presence, take evidence in writing under oath of the facts charged, and shall make reasonable enquiry into the truth thereof. 47 V. c. 46, s. 8.

Magistrate may order child to school; requisites of the order.

9. If the Judge or Magistrate is satisfied on enquiry that it is expedient to deal with the child under this Act, he may order him to be sent to a certified industrial school; which order shall be in writing, and shall specify the name of the school, and the time for which the child is to be detained in the school, being such time as to the Judge or Magistrate seems proper for the teaching and training of the child, but not in any case extending beyond the time when the child will attain the age of sixteen years. 47 V. c. 46, s. 9.

Admission to the schools.

10. The said school corporations or philanthropic societies may admit into the industrial schools established by them, all

children apparently under the age of fourteen years who are committed to the said school by the Judge or Magistrate; and the said corporations or societies, respectively, shall have power to place the said children at such employments, and cause them to be instructed in such branches of useful knowledge as are suitable to their years and capacities. 47 V. c. 46, s. 10.

Powers as to instruction and employment.

11. In case an industrial school is established by the Roman Catholic separate school trustees in any city, the Judge or Magistrate shall endeavour to ascertain the religious persuasion to which every child to be sent by him to an industrial school belongs, and shall, as far as practicable, send Roman Catholic children to the Roman Catholic industrial school and other children to the other industrial school; and if a parent or guardian, or in case there is no parent or guardian, then if the nearest adult relative of a child in a Roman Catholic separate school claims that the child should be sent to the industrial school under the said board of trustees, or claims that a child in an industrial school established by the latter should be sent to the Roman Catholic separate school, the Minister of Education, on being satisfied of the justness of such claim, shall order a transfer of the child accordingly, provided that the managers of the school to which the transfer is to be made are willing to receive the child. 47 V. c. 46, s. 11.

Roman Catholic children.

12. A minister of the religious persuasion to which a child appears to belong may visit the child at the school on such days and at such times as may be from time to time fixed by regulations of the Education Department in that behalf, for the purpose of instruction in religion. 47 V. c. 46, s. 12.

Visits by clergymen.

13. The school corporation, or philanthropic society, may permit a child sent to their industrial school under this Act to live at the dwelling of any trustworthy and respectable person; provided, that a report is made forthwith to the Minister of Education, in such manner as he thinks fit to require, of every instance in which this discretion is exercised. 47 V. c. 46, s. 13.

Children may reside with respectable persons.

14. Any permission for that purpose may be revoked at any time by the school corporation or philanthropic society: and thereupon the child to whom the permission relates shall be required to return to the school. 47 V. c. 46, s. 14.

Revocation of permission to reside out of school.

15. The time during which the child is absent from the school under permission shall, except where the permission is withdrawn on account of the child's misconduct, be deemed to be part of the time of his detention in the school, and at the expiration of the time allowed by the permission, he shall be taken back to the school. 47 V. c. 46, s. 15.

Time of absence how calculated.

Return to school.

What shall be deemed escape from school.

16. A child escaping from the person with whom he is placed, or refusing to return to the school on the revocation of the permission or at the expiration of the time allowed thereby, shall be deemed to have escaped from the school. 47 V. c. 46, s. 16.

Discharge from school.

17. The Minister of Education may at any time order any child to be discharged from a certified industrial school, either absolutely or on such conditions as he thinks fit, and the child shall be discharged accordingly. 47 V. c. 46, s. 17.

Applications for discharge of children committed.

18. In case an application is made to any Court or Judge for the discharge from the industrial school of any child committed thereto under the provisions of section 7 of this Act, notwithstanding any irregularity in or insufficiency of the order or other proceedings, no order shall be made for such discharge in case the Court or Judge shall deem it for the benefit of the child that it should remain in the industrial school, and it shall appear by the depositions taken before the committing Judge or Magistrate that the child was liable to be committed to the industrial school under the provisions of this Act. 47 V. c. 46, s. 18.

Depositions to be delivered to person executing warrant.

19. The committing Judge or Magistrate shall deliver to the constable, or other person having the execution of his order, the depositions taken by him, or a certified copy thereof, which depositions or copy shall be delivered by the constable or other person to the superintendent or officer receiving the child into the said industrial school: such copy shall be *prima facie* proof of the contents of the original depositions and shall be receivable in evidence upon any application for the discharge of any child committed thereunder. 47 V. c. 46, s. 19.

Evidence.

School Corporation, etc., to have powers granted by Rev. Stat. c. 142.

20. The school corporation, or philanthropic society, may at any time during the period of detention of a child in a school, exercise all the powers conferred by sections 2 and 6 of *The Act respecting Apprentices and Minors*, upon the charitable societies therein mentioned. 47 V. c. 46, s. 20.

Rules of management, power to make.

21. The school corporation, or philanthropic society, may from time to time make rules for the management and discipline of the certified industrial school established by the board or society, such rules not being inconsistent with the provisions of this Act; but the rules shall not be enforced until they have been approved by the Education Department: and rules so approved shall not be altered without the like approval: a printed copy of the rules purporting to be rules of a school so approved and signed by the Minister of Education shall be evidence of the rules of the school. 47 V. c. 46, s. 21.

22. On the complaint of the school corporation or philanthropic society, or of any agent of the school corporation or philanthropic society at any time during the detention of a child in a certified industrial school, the Judge of the Division Court of the division in which the parent, step-parent or guardian of the child resides, may, on summons to the parent, step-parent or guardian, in the form or to the effect of the Schedule to this Act, issued and served according to the ordinary practice of the Court, examine into his ability to maintain the child, and the Judge may, if he thinks fit, make an order on such parent, step-parent or guardian for the payment to the school corporation or philanthropic society of such weekly sum, not exceeding \$1.50 per week, as to the Judge seems reasonable, during the whole or any part of the time during which the child is liable to be detained in the school, and the said order shall for all purposes be a judgment of the Division Court. 47 V. c. 46, s. 22; 50 V. c. 7, s. 26.

Power to order parent, etc., to maintain a child.

23. The Judge making such order, or any other Judge holding the Division Court, may from time to time vary any such order as circumstances require, on the application either of the person on whom the order is made, or of the school corporation or philanthropic society or its agent, on fourteen days' notice of the application being first given to the other party. 47 V. c. 46, s. 23.

Varying the order for maintenance.

24. The officers of the Court shall be entitled to charge fees upon proceedings had under the next preceding two sections, according to the lowest Division Court scale, and in every case all costs shall be in the discretion of the Judge. 47 V. c. 46, s. 24.

Costs of order for maintenance.

25.—(1) In case a child sent by a Judge or Magistrate to an industrial school has not resided in the city or town in which said school is situated, or to which it is attached for a period of one year, but has resided for that period in some other county, city, or separated town, the school corporation or philanthropic society may recover from the corporation of such county, city, or separated town the expense of maintaining the child.

Liability of other corporations for maintenance according to residence of the child.

(2) If the child, although he or she had resided for a period of one year in the city in which the industrial school is situated, or to which it is attached, had, since such residence, been resident for a period of one year in some other municipality, the school corporation or philanthropic society, may, in like manner, recover the expense of maintenance from the county, city, or separated town in which the child last resided for a period of one year.

(3) When the child resided for one year last preceding its admission to said school in the city or town in which the industrial school is situated or to which it is attached, such city

or town shall pay a sum of not less than \$1.50 per week towards the expenses of maintaining in the school each child whose maintenance is not otherwise fully provided for; and such city or town shall have the power to recover the amount so paid from the parents if able to pay it. 47 V. c. 46, s. 25; 50 V. c. 7, s. 26.

Apprehension
on escape or
absence.

26. If a child sent to a certified industrial school, and while liable to be detained there, escapes from the school, or neglects to attend thereat, he may, at any time before the expiration of his period of detention, be apprehended without warrant, and may be brought back to the same school there to be detained during the period equal to so much of his period of detention as remained unexpired at the time of his escape. 47 V. c. 46, s. 26.

Minister of
Education to
apportion
grants for
schools.

27. In case any money is granted or provided by the Legislature for the support of industrial schools, it shall be the duty of the Minister of Education, and he is hereby empowered, to apportion the money on or before the 1st day of May, to the several industrial schools in the Province, according to the average number of pupils at such school from time to time during the preceding year as compared with the whole average number at the industrial schools established under this Act. 47 V. c. 46, s. 27.

Inspection.

28. Industrial schools established under this Act shall be under the same inspection, and subject to the same laws in all respects as other schools, except so far as may be inconsistent with this Act. 47 V. c. 46, s. 28.

Surrender of
child to pa-
rents or other
persons.

29. Whenever it is satisfactorily proved that the parents of any child committed under the provisions of this Act have reformed and are leading orderly and industrious lives, and are in a condition to exercise salutary parental control over their children, and to provide them with proper education and employment, or whenever, said parents being dead, any person offers to make suitable provision for the care, nurture and education of such child as will conduce to the public welfare, and will give satisfactory security for the performance of the same, then the board of school trustees or philanthropic society may discharge said child to the parents or to the party making provision for the care of the child as aforesaid. 47 V. c. 46, s. 29.

SCHEDULE.

(Section 22.)

[L.S.]

SUMMONS FOR MAINTENANCE IN INDUSTRIAL SCHOOL.

In the _____ Division Court of the County
of _____

BETWEEN the Public School Board of the City of _____

Plaintiffs.

and

C. D.

Defendant.

You, the above-named defendant, are hereby summoned to appear at the next sitting of this Court, to be holden at _____ in the County of _____ day of _____ A.D. 188 , at the hour of ten o'clock in the forenoon, to answer the allegation of the plaintiff, that you, the said _____ are liable for the expense of maintaining one *E. D.*, a boy detained in the Industrial School, under the charge of the above named plaintiffs, in the City of _____

And, further, you are hereby required to take notice that the plaintiffs claim that you are able to pay the sum of \$ _____ per week towards the said expenses, and that if you do not appear at the said time and place, such order will be made in your absence as may seem just.

Dated this _____ day of _____ A.D. 188 .

By the Court,

X. Y.,
Clerk.

47 V. c. 46, Sched.

SECTION XIV.

RELIGIOUS MATTERS.

CHAP. 235.—TITHES, p. 2546.

CHAP. 236.—RECTORIES, p. 2546.

CHAP. 237.—PROPERTY OF RELIGIOUS INSTITUTIONS, p. 2548.

CHAPTER 235.

An Act respecting Tithes.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

No rector,
etc., to be
entitled to
tithes.

1. No tithes shall be claimed, demanded or received by any rector, vicar, or other ecclesiastical person of the Protestant Church within Ontario. R. S. O. 1877, c. 214.

CHAPTER 236.

An Act respecting Rectories.

Preamble.

WHEREAS the recognition of legal equality among all religious denominations is an admitted principle of Colonial legislation; And whereas, in the state and condition of this Province, to which such principle is peculiarly applicable, it is desirable that the same should receive the sanction of direct legislative authority, recognizing and declaring the same as a fundamental principle of the civil policy of this Province:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

The free exer-
cise of religi-
ous profession,
etc., guar-
anteed.

1. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, provided the same be not made an excuse for acts of licentiousness, or a justification of practices inconsistent with the peace and safety

of the Province, is by the constitution and laws of this Province assured to all Her Majesty's subjects within the same. R. S. O. 1877, c. 215, s. 1.

2. No letters patent shall be hereafter issued in this Province by the Crown for the erection of any parsonages or rectories, according to the establishment of the Church of England, or for the endowment thereof, out of the Clergy Reserves or the public domain, or for the presentation of any incumbent or minister to any such parsonage or rectory. R. S. O. 1877, c. 215, s. 2.

No rectories to be hereafter created.

3. Nothing herein contained shall in anywise affect any proceedings heretofore had, whereby certain parsonages or rectories were erected and endowed, or supposed to be erected and endowed by the authority of an Act of the Imperial Parliament passed in the 31st year of the reign of King George the Third, chapter 31, intituled *An Act to repeal certain parts of an Act* 31 Geo. III. *passed in the fourteenth year of His Majesty's reign, intituled* c. 31. *An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province*, or whereby certain incumbents or ministers were presented, under the same authority, to such parsonages or rectories or any of them, but the legality or illegality of all such proceedings shall be adjudicated upon and determined as if this Act had not been passed. R. S. O. 1877, c. 215, s. 3.

4. The right of presenting an incumbent or minister to any such parsonage or rectory shall vest in and be exercised by the synod of the Church of England diocese within which the same is situated, or in such other person or persons, bodies politic or corporate, as such synod, by any by-law or by-laws to be by them from time to time passed for that purpose, may think fit to direct or appoint in that behalf. R. S. O. 1877, c. 215, s. 4.

Presentation to such rectories provided for.

CHAPTER 237.

An Act respecting the Property of Religious Institutions.

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|---|---|
| CONVEYANCES FOR SITE OF CHURCH, ETC., TO BE MADE TO TRUSTEES, s. 1. | REGISTRATION OF DEEDS, ss. 19, 20. |
| TRUSTEES: | ACCOUNTS OF TRUSTEES, s. 21. |
| Powers, s. 1. | ACTS AS TO RELIGIOUS BODIES NOT AFFECTED, s. 22. |
| Change of number, ss. 2-7. | POWERS AS TO HOLDING LAND, s. 23. |
| MORTGAGES, s. 8. | TRUSTEES FOR ADJOINING BURIAL GROUNDS, ss. 24, 25. |
| LEASES, ss. 9-12. | APPLICATION OF ACT TO CHURCH OF ENGLAND, s. 26. |
| SALES, ss. 13, 14. | APPLICATION OF ACT TO ROMAN CATHOLIC CHURCH, s. 27. |
| Assent of congregation, s. 14. | |
| APPOINTMENT OF TRUSTEES, ss. 15-17. | |
| TRUSTEES FOR SEPARATE CONGREGATIONS, s. 18. | |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

When religious societies desire to take conveyances for site of a church, etc., conveyance may be made to trustees.

Powers of trustees.

1. Where any religious society or congregation of Christians in Ontario desires to take a conveyance of land for the site of a church, chapel, meeting-house, burial-ground, residence for a minister, book-store, printing or publishing-office, or for any other religious or congregational purpose whatever, such society or congregation may appoint trustees, to whom, and their successors, to be appointed in such manner as may be specified in the deed of conveyance, the land requisite for all or any of the purposes aforesaid may be conveyed; and such trustees and their successors in perpetual succession, by the name expressed in the deed, may take, hold and possess the land, and maintain and defend actions for the protection thereof, and of their property therein. R. S. O. 1877, c. 216, s. 1.

Number of trustees may be varied.

2. Any congregation or society of Christians entitled to the benefit of any lands held under the provisions of this Act, or otherwise, may from time to time, by a resolution passed by a two-thirds vote of the persons entitled to vote in respect of the appointment of trustees, increase or decrease the number of trustees by the deed or otherwise to be appointed for the purpose of holding such lands; or may in like manner fix the number of trustees in case the deed makes no provision as to their number. 42 V. c. 36, s. 1.

3. No such resolution shall be passed unless the said meeting has been duly notified in the same manner as a meeting for the election of trustees for such lands is required to be notified, or unless notice has been given at the time of such notification that a proposal for increasing (or decreasing or determining, as the case may be) the number of the trustees, will be considered at the meeting. 42 V. c. 36, s. 2.

Notice of meeting required.

4. In case the resolution passed provides for the appointment of more trustees than are authorized by the deed, or more than there are in fact if the number is not limited by the deed, the same shall take effect forthwith; and the additional trustees to be appointed may be elected at the meeting at which the resolution is passed or at a subsequent meeting: if the resolution provides for a smaller number of trustees than the deed provides for, then the resolution shall not take effect until vacancies occur, by death or otherwise, reducing the number of trustees to the number provided for by the resolution; and no other trustees shall be appointed under the authority of this Act until the number of trustees has been reduced as aforesaid below the number authorized by the resolution. 42 V. c. 36, s. 3.

Time when variation to take effect.

5. A record of the proceedings of the meeting shall be made out in writing, and entered and transcribed in the minute book or other official register of the acts and proceedings of the congregation or society, and shall be signed by the chairman and secretary thereof, and shall thereafter be deposited of record among the archives of the congregation or society, and a copy of such record, certified to be a true copy by the chairman or secretary, on oath (or affirmation) before a Justice of the Peace, may be recorded in the registry office of the registry division in which the property is situate. 42 V. c. 36, s. 4.

Record of proceedings.

Copy to be registered.

6. A copy of such proceedings taken from the minute book or other official register of the congregation, and certified by the clerk or custodian of the records of the congregation, or a copy certified by the registrar of the registry division wherein the same has been registered under the preceding section, shall be *prima facie* evidence of the contents thereof. 42 V. c. 36, s. 5.

Certified copy *prima facie* evidence.

7. The provisions contained in the preceding five sections in this Act shall not be construed so as in any way to repeal, alter, affect, or vary any of the provisions in any special Act contained with reference to any religious body or congregation of Christians in this Province. 42 V. c. 36, s. 6.

Special Acts not affected by preceding provisions.

8.—(1) Where a debt has heretofore been or is hereafter contracted for the building, repairing, extending or improving of a church, meeting-house, chapel, book-store, printing-office or other building, on land held by trustees for the benefit of any

Mortgages allowed in certain cases.

religious society in Ontario, or for the purchase of the land on which the same has been or is intended to be erected, the trustees, or a majority of them, may from time to time secure the debt or any part thereof by a mortgage upon the land, church, meeting-house, chapel, book-store, printing-office or other building; or may borrow money to pay the debt or part thereof, and may secure the repayment of the loan and interest by a like mortgage upon such terms as may be agreed upon. R. S. O. 1877, c. 216, s. 2.

(2) The authority conferred by this section to mortgage land as security for a debt contracted for the building, repairing, extending or improving of a church, meeting-house, chapel, book-store, printing-office or other building on land held for the benefit of the society, shall extend to any land so held, although the church, or other building, in respect of which the debt is contracted, is not erected on the said land. 42 V. c. 36, s. 7.

Power to
lease.

9. The grantees in trust named in any letters patent from the Crown, or the survivors or survivor of them, or the trustees for the time being appointed in manner prescribed in the letters patent, whereby lands are granted for the use of a congregation or religious body, and any other trustees for the time being entitled by law to hold lands in trust for the use of a congregation or religious body, may lease, for any term not exceeding twenty-one years, lands so held by them for the use of a congregation or religious body, at such rents and upon such terms as the trustees or a majority of them deem reasonable. R. S. O. 1877, c. 216, s. 3.

Power to
agree in leases
to renew and
pay for im-
provements by
lessee.

10. In such lease the trustees may covenant or agree for the renewal thereof at the expiration of any or every term of years, for a further term of twenty-one years or a less period, at such rent and on such terms as may then, by the trustees for the time being, be agreed upon with the lessee, his heirs, executors, administrators or assigns, or may consent or agree for the payment to the lessee, his executors, administrators or assigns, of the value of any buildings or other improvements which may at the expiration of any term be on the demised premises; and the mode of ascertaining the amount of such rents or the value of such improvements may also be specified in the original lease. R. S. O. 1877, c. 216, s. 4.

Consent of
cestuïs qui
trustees requi-
site before
leasing—con-
sent, how
signified.

11. The trustees shall not so lease without the consent of the congregation or religious body for whose use they hold the land in trust, and such consent shall be signified by the votes of a majority of the members present at a meeting of the congregation or body, duly called for the purpose; nor shall the trustees lease any land which, at the time of making the lease, is necessary for the purpose of erecting a church or place of worship or other building thereon, or for a burial ground for the congregation for whose use the land is held. R. S. O. 1877 c. 216, s. 5.

12. The trustees for the time being entitled by law to hold land in trust for a congregation or religious body, may, in their own names, or by any name by which they hold the land, sue or distrain for rent in arrear, and may take all such means for the recovery thereof as landlords in other cases are entitled to take. R. S. O. 1877, c. 216, s. 6.

Remedies of trustees for rent in arrear.

13.—(1) Where land held by trustees for the use of a congregation or religious body becomes unnecessary to be retained for such use, and it is deemed advantageous to sell the land, the trustees for the time being may give public notice of an intended sale specifying the premises to be sold and the time and terms of sale; and after publication of the notice for four successive weeks in a weekly paper published in or near the place where the lands are situated, they may sell the land at public auction according to the notice; but the trustees shall not be obliged to complete or carry a sale into effect, if in their judgment an adequate price is not offered for the land; but this provision shall not affect or vary any special powers or trusts for sale contained in any deed or instrument, and inconsistent herewith. R. S. O. 1877, c. 216, s. 7.

Sales by trustees.

Special powers not affected.

(2) The trustees may thereafter sell the land either by public or private sale; but a less sum shall not be accepted at private sale than was offered at public sale. R. S. O. 1877, c. 216, s. 8.

Private sales.

14.—(1) Before any conveyance is executed in pursuance of a public or private sale, the congregation or religious body for whose use the lands are held shall be duly notified thereof, and its assent obtained to the execution of the said deed, and such assent shall be signified by the votes of a majority of the members present at a meeting of the congregation or body duly called for the purpose.

Before conveyance *cestui que trustent* to be notified, and sanction obtained.

(2) Such assent shall be held in favour of the grantee and his assigns to be conclusively testified by the execution of the deed by the chairman at such meeting, or by the official head of such religious body, or by some person appointed at such meeting for the purpose; and the person assuming to execute the deed as chairman, official head or appointee, shall be presumed to be such chairman, official head or appointee, as the case may be.

Evidence of.

(3) Instead of such assent of the congregation or religious body aforesaid, it shall be sufficient for the validity of any such conveyance, that the sale be sanctioned and the deed approved of by the Judge of the County Court of the county in which the land sold is situate. R. S. O. 1877, c. 216, s. 9.

When County Judge may approve of deed.

15. It shall be lawful for any congregation or society of Christians of any denomination, on whose behalf lands in this Province are now, have been, or hereafter may be held by a trustee or trustees, without the manner of appointing suc-

Power to convene public meeting,

and determine how successors to trustees are to be appointed, or to appoint trustees.

cessors being set forth in the grant, conveyance, will or devise of such lands, or who are or may be entitled to any lands without being a body corporate, at any time hereafter to assemble in a public meeting duly convened by notice in writing, signed by at least five members of such congregation or society, and affixed to the door of their place of worship, at least eight days previous to the day appointed for holding such meeting; and at such meeting, by the votes of a majority of the members of such congregation or society then and there present, to determine in what manner the successors to such trustee or trustees shall be appointed out of the members of the religious denomination on whose behalf such lands were originally granted, conveyed or conceded, or to appoint a trustee or trustees of any lands to which the said congregation or society is entitled, and their successors in the trust. R. S. O. 1877, c. 216, s. 10.

Record of proceedings.

16.—(1) A record of the proceedings of the meeting shall be made out in writing, and entered and transcribed in the minute book or other official register of the acts and proceedings of the congregation or society, and shall be signed by the chairman and secretary thereof, and shall thereafter be deposited of record among the archives of the congregation or society, and a copy of such record, certified to be a true copy by the chairman or secretary, on oath (or affirmation) before a Justice of the Peace, shall be recorded in the registry office of the registry division in which the property is situate.

Deposit and registry thereof.

Copy as evidence.

(2) A copy of the proceedings taken from the minute book or other official register of the congregation, and certified by the clerk or custodian of the records of the congregation, or a copy certified by the registrar of the registry division wherein the same has been registered, according to this section, shall be *prima facie* evidence of the contents thereof. R. S. O. 1877, c. 216, s. 11.

The determination at the meeting to have the effect of a clause in the grant.

17. Such determination shall, in every such case, have the same effect as a clause in the grant, concession or conveyance of the lands to which it relates, setting forth the manner of appointing successors to the trustee or trustees named, would have; and any lands to which any religious congregation or society, not being incorporated, is entitled, shall from time to time vest in and be held by the trustee or trustees to be appointed as hereinbefore mentioned, and in the successors in the trust, immediately upon the registration of the proceedings in the last preceding section mentioned, and without any or further conveyance or instrument whatsoever. R. S. O. 1877, c. 216, s. 12.

Upon registration lands of unincorporated bodies to vest in the trustees appointed.

The case of two societies desirous to build a house of worship.

18. Where members or adherents in any locality of two or more religious societies desire to build a house for public worship, it shall be lawful for each of the societies respectively to appoint from time to time one trustee in the manner and form prescribed in this Act, and the trustees of the religious bodies

so united shall have the like powers as are conferred on trustees under this Act, and no others ; and as to any act, deed or thing to be done or made by trustees under this Act which requires the sanction or assent of the congregation or religious body, the trustees under this section shall obtain the sanction or assent of each and every of the congregations or religious bodies so united, to be ascertained and signified in the manner hereinbefore mentioned. R. S. O. 1877, c. 216, s. 13.

19.—(1) All deeds of conveyance executed before the 29th day of March, 1873, for any of the uses, interests or purposes enumerated therein, if the same were registered before the 30th of March, 1874, shall be as valid and effectual, as if registered within twelve months after the execution thereof respectively, except in so far as the same may be affected by the prior registration of other deeds or instruments relating to the same lands respectively.

Registration of deeds executed before March 29th, 1873.

(2) But in all cases where any such religious bodies had not erected any buildings or made improvements, and any person claiming to hold or to be entitled to any real estate or property included in any such deed on account of the omission to register the same, had, in virtue of such claim, taken possession of such real estate before the said 29th day of March, 1873, and also in all cases where the persons claiming to hold or to be entitled to such real property, on account of such omission as aforesaid, had actually sold or departed with, or had actually contracted to sell or depart with such real estate before the said date, the provisions of this section shall not extend to render invalid any right or title to such estate, but such right or title shall be taken and adjudged to be as if this Act had not been passed. R. S. O. 1877, c. 216, s. 14.

Proviso as to certain cases of adverse right.

20. The trustees of any lands to which the provisions of this Act apply, shall, within twelve months after the execution of the conveyance, cause the deed to be registered in the office of the registrar of the registry division in which the land is situate, or otherwise the same shall be void ; and further, the deed shall be subject to the law affecting priority of registration in the same manner as if made between private parties. R. S. O. 1877, c. 216, s. 15.

Conveyances to be registered within twelve months after execution.

21. Trustees selling or leasing land under the authority of this Act shall, on the first Monday in July in every year, have ready and open for the inspection of the congregation or religious body which they represent, or of any member thereof, a detailed statement shewing the rents which accrued during the preceding year, and all sums of money whatever in their hands, for the use and benefit of the congregation or religious body, which were in any manner derived from the lands under their control or subject to their management, and also shewing the application of any portion of the money which has been expended on behalf of the congregation or body. R. S. O. c. 216, s. 16.

Trustees to exhibit accounts as to lands sold and leased.

This Act not to affect special Acts as to religious bodies.

22. This Act shall not be construed so as in anywise to repeal, alter, affect or vary any of the provisions in any special Act contained with reference to any religious body or congregation of Christians in this Province, but, on the contrary, any of the said provisions, while differing from or inconsistent with any of the provisions of this Act, shall prevail, and where any additional rights or privileges are conferred by this Act, these shall be construed as supplementary to the provisions contained in any such special Act; and in every case the special trusts or powers of trustees contained in any deed, conveyance, or other instrument, shall not be affected or varied by any of the provisions of this Act. R. S. O. 1877, c. 216, s. 18.

Powers of religious societies as to holding lands.

23. Any religious society or congregation of Christians in Ontario may, by the name thereof, or in that of trustees, from time to time take or hold, by gift, devise or bequest, any lands or tenements, or interests therein, if such gift, devise or bequest is made at least six months before the death of the person making the same, but the said religious society or congregation shall at no time take or hold by any gift, devise or bequest, so that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, at any one time exceeds in the whole the sum of \$1,000; and no lands or tenements, or interests therein, (other than land used for any purpose specially mentioned in section 1 of this Act) acquired by gift, devise or bequest, shall be held by the said religious society or congregation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said religious society or congregation, which shall have power in the name thereof, or in that of the trustees for said society or congregation, to grant and convey the said lands to any purchaser, so that it no longer retains any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said society or congregation; and such lands, tenements, or interests therein, or such thereof as have not, within the said period, been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns. R. S. O. 1877, c. 216 s. 19

Power to appoint joint trustees for two or more burial grounds which adjoin each other.

24. Whenever any two or more different parcels of land adjoining each other, or in the same neighbourhood, are held as sites for burial grounds by different bodies of trustees, whether of the same denomination, society, or congregation, or of different denominations, societies, or congregations of Christians, and such trustees think it desirable that for purposes of economic management, or any other reason, such parcels should be vested in one body of trustees, such two or more bodies of trustees, or the majority of each of such bodies,

may, by deed under their hands, appoint trustees to whom and their successors, to be appointed in such manner as may be specified in such deed, all or any of the lands vested in such appointing bodies of trustees as sites for burial grounds may be conveyed, and such trustees so by such deed appointed, and their successors in perpetual succession by the name expressed in the deed, may take, hold and possess the lands thereby or thereafter conveyed to them as a site or sites for a burial ground, and maintain and defend actions for the protection thereof and of their property therein, and the said several appointing bodies of trustees may, in or by the same deed of appointment, or by any other deed or deeds, convey and assure all or any of the parcels of land so as aforesaid vested in them respectively to such trustees so appointed and their successors upon, with and subject to such trusts, powers, limitations and provisions not inconsistent with the purposes of a burial ground, as shall by the parties thereto be deemed proper. 45 V. c. 31, s. 1.

25.—(1) No such deed of appointment of trustees, and no such conveyance or assurance, shall be made or executed by any body, or the majority of any body, of trustees, unless or until the congregation or religious body for whose use the lands are held shall be duly notified thereof, and its assent obtained for the execution of such deed of appointment, or of such conveyance or assurance, and such assent shall be signified by the votes of a majority of the members present at a meeting of the congregation or body duly called for the purpose.

Assent of congregation or religious body required.

(2) Such assent shall be held in favour of such new trustees and their successors to be testified by the execution of said deed by the chairman at such meeting, or by the official head of such religious body, or by some person appointed at such meeting for the purpose; and the person assuming to execute said deed as chairman, official head, or appointee, shall be presumed to be such chairman, official head, or appointee, as the case may be. 45 V. c. 31, s. 1.

26.—(1) All the rights, powers, and privileges, conferred upon any religious society or congregation of Christians by this Act, shall extend and apply to the Church of England in this Province, formerly or otherwise called the United Church of England and Ireland in Canada, or the United Church of England and Ireland in Upper Canada, or the Church of England in Upper Canada. 41 V. c. 25, s. 1.

Rights extended to the Church of England.

(2) The parson or other incumbent of the church for the time being and the churchwardens thereof, shall, for the purpose of this Act, be deemed and taken to be trustees within the meaning thereof.

Incumbent and churchwardens to be trustees within the meaning of Act.

(3) In cases within section 16 of the Act passed in the third year of Her Majesty's reign, chapter 74, and intituled *An Act to make provision for the management of the Temporalities of* 74, s. 16.

Bishop, etc., to be trustees under 3 V. c.

the United Church of England and Ireland in this Province, etc., the Bishop, or Parson, Rector or Incumbent, or any successor or other person in whom the legal title or estate is vested, by, from or under any of them, shall also be deemed and taken to be a trustee, by whom the like rights and powers of trustees, may be exercised equally as in the case of such trustees. 42 V. c. 37, s. 1.

Property
vested in the
Bishop in
trust.

(4) In cases of property vested in the Bishop of any diocese in trust, not covered by the preceding sub-section, the Bishop shall also be deemed and taken to be a trustee by whom the like powers of trustees under this Act may be exercised equally, as in the case of such trustees.

Property
vested in the
Synod in
trust.

(5) In cases of property vested in the Synod of any diocese within the Act passed in the 7th year of Her Majesty's reign, chapter 68, intituled *An Act to incorporate the Church Societies of the United Church of England and Ireland in the Dioceses of Quebec and Toronto*, and the Act passed in the 32nd year of Her Majesty's reign, chapter 51, intituled *An Act to incorporate the Synod of the Diocese of Toronto and to unite the Church Society of the Diocese of Toronto therewith*, the synod shall also be deemed and taken to be a trustee, by whom the like rights and powers of trustees under this Act may be exercised equally, as in the case of such trustees; and the powers of the synod under this sub-section may be exercised by and through such boards and committees as the synod may, from time to time, by by-law appoint for that purpose. 49 V. c. 48, s. 1.

How land may
be sold or
encumbered,
consent
requisite.

(6) Provided always, that land shall not be sold, mortgaged, leased, or otherwise encumbered, under the powers conferred by this Act, except with the consent of the vestry of the church or congregation interested therein, and of the Bishop of the diocese, and the executive committee of the synod of the diocese; and it is hereby declared, that the consent or assent of the vestry, given in accordance with the rules and canons of the said Church, shall be deemed to be the consent or assent of the congregation within the meaning of the said Act, and the execution of the deed by the Bishop, and by the secretary or secretaries of the synod, or a memorandum of consent endorsed thereon and signed by them, shall, in favour of the grantee and his assigns, be conclusive evidence of the consent or assent of the Bishop and executive committee. 41 V. c. 25 s. 2.

Rights ex-
tended to Ro-
man Catholic
Church.

27. All the rights and privileges conferred upon any religious society or congregation of Christians in section 1 of this Act mentioned, shall extend, in every respect, to the Roman Catholic Church, to be exercised according to the government of the said Church. R. S. O. 1877, c. 216. s. 17.

SECTION XV.

PRISONS AND PUBLIC CHARITIES.

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- CHAP. 238.—CENTRAL PRISON. p. 2557.
 “ 239.—ANDREW MERCER REFORMATORY, p. 2566.
 “ 240.—INDUSTRIAL REFUGE FOR GIRLS, p. 2573.
 “ 241.—REFORMATORY FOR BOYS, p. 2577.
 “ 242.—REMOVAL OF PRISONERS FROM COUNTY GAOLS TO PROVINCIAL INSTITUTIONS, p. 2586.
 “ 243.—USE OF SPIRITUOUS LIQUORS IN GAOLS AND PRISONS, p. 2587.
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 “ 248 —PUBLIC AID TO CHARITABLE INSTITUTIONS, p. 2643.
 “ 249.—PROTECTION OF WOMEN IN CERTAIN CASES, p. 2649.
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 [As to Gaols and Lock-up Houses, see also Rev. Stat. c. 184, ss. 452-476.]
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CHAPTER 238.

An Act respecting the Central Prison.

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| OFFICERS, ss. 3, 4. | DISCIPLINE : |
| POWERS AND DUTIES OF INSPECTOR, ss. 5-11. | Sexes to be kept separate, s. 29. |
| TRANSFER OF PRISONERS TO CENTRAL PRISON, ss. 12-20. | Hard labour, s. 30. |
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| GOVERNMENT OF PRISON : | DISCHARGE AND ESCAPE OF PRISONERS, ss. 34-36. |
| The warden, s. 23. | PROPERTY VESTED IN CROWN, s. 37. |
| Security by officers, s. 24. | CONTRACTS TO BE MADE BY INSPECTOR, s. 38. |
| Oaths of office, s. 25. | BOOKS TO BE PROPERTY OF PRISON, s. 39. |
| Interest in contracts, s. 26. | |
| Officers not to engage in other business, s. 27. | |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation.

1. The word "county," wherever it occurs in this Act, shall include any union of counties for judicial purposes, and every judicial or territorial district now existing or that may be hereafter formed out of any portion of the unorganized territory in this Province. R. S. O. 1877, c. 217, s. 1.

Name of prison.

2. The prison heretofore declared to be the central prison for the Province, shall be called "The Central Prison for the Province of Ontario." R. S. O. 1877, c. 217, s. 2.

Appointment of certain officers.

3. The Lieutenant-Governor may appoint for said central prison, a warden, a surgeon, a schoolmaster, an accountant, a matron, and such other officers and servants as may be necessary, to hold office respectively during pleasure; and may also fix and determine the salary of every such officer and servant. R. S. O. 1877, c. 217, s. 3.

Appointment of Central Prison Bailiffs.

4. The Lieutenant-Governor may also appoint a central prison bailiff or central prison bailiffs, who shall be employed for the purpose of conveying prisoners from any gaol or other place in which they may be in custody, to the central prison, or from the central prison to any other place to which they may be lawfully removed, and in the performance of such other duties as may be assigned to him or them by the inspector of prisons and public charities. R. S. O. 1877, c. 217, s. 4.

Inspector of prisons to be *ex officio* inspector of the Central Prison. Rev. Stat. c. 250.

5. The inspector of prisons and public charities shall, by virtue of his office, be the inspector of the central prison and shall have the same powers in respect thereof as are conferred upon him in respect of the Provincial reformatory by *The Prison and Asylum Inspection Act*. R. S. O. 1877, c. 217, s. 5.

Inspector to make rules, etc.

6. The said inspector shall have power, and it shall be his duty, to make rules and regulations for the management, discipline and police of the said central prison, and for fixing and prescribing the duties and conduct of the warden and every other officer or servant employed therein, and for the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment and reward of persons confined therein, and to annul, alter and amend the same from time to time: but no such rule or regulation shall have any effect until approved of by the Lieutenant-Governor in Council. R. S. O. 1877, c. 217, s. 6.

Record to be kept with view to mitigation of sentence.

7. In order to encourage good behaviour and industry, it shall be lawful for the inspector to make rules so that a correct record of the conduct of every inmate of the prison may be made with a view to permit such criminal to earn a remission of a portion of the term for which he is sentenced to be confined. R. S. O. 1877, c. 217, s. 7.

8. The inspector shall have power summarily to suspend any of the officers or servants of the central prison for misconduct, until the circumstances of the case (of which the Lieutenant-Governor shall be at once notified) have been decided upon by the Lieutenant-Governor, and the inspector may, until such decision has been intimated to him, cause any officers or persons so suspended to be removed beyond the precincts of the prison; and it shall be the duty of the inspector to recommend the removal of any of the above-named officers or servants whom he finds incapable, inefficient or negligent in the execution of his duty, or whose presence in the central prison he deems injurious to the interests thereof; and the pay of every officer or servant so suspended shall cease during the period of such suspension. R. S. O. 1877, c. 217, s. 8.

Power of Inspector over officers of the prison.

9. The inspector may impose a fine, payable in money, upon any officer or servant of the central prison for any act of negligence, carelessness or insubordination by him committed, of reasonable amount, not exceeding one month's pay of the officer or servant, as the inspector may think fit. R. S. O. 1877, c. 217, s. 9.

Power of inspector to impose fines on officers of the prison.

10. The inspector shall have power at all times to enter into the central prison, and have access to every part thereof, and to examine all papers, documents, vouchers, records, books and other things belonging thereto; and to investigate the conduct of any officer or servant employed in or about such central prison, or of any person found within the precincts thereof, and may summon any person before him by order under his hand, and examine such person under oath, touching any matter relating to any breach of the rules of the central prison, or any matter affecting the interests of the institution; and may by the same or like order compel the production of books, papers and writings before him; and any person who neglects or refuses to appear at the time and place specified in the order, having been duly served with a copy thereof, or refuses to give evidence, or to produce the books, papers or writings demanded of him, may be taken into custody by virtue of a warrant under the hand of the inspector, in that behalf, and imprisoned in the common gaol of the locality, as for contempt of Court, for a period not exceeding fourteen days. R. S. O. 1877, c. 217, s. 10. See Cap. 250, s. 11.

Inspection of prison by inspector.

11. It shall also be the duty of the inspector to audit the accounts of the warden of the central prison; to inquire into all money transactions when requisite; to demand and obtain a statement of all cash transactions of the prison every month; and to administer to the warden and accountant an oath or affirmation to the effect following, viz:

Audit by inspector.

"I, _____, Warden, and I, _____, Accountant, of the Central Prison of this Province, make oath (or affirm) and say, that the foregoing statement of revenue and expenditure of the said Central Prison for the month of _____, 18____, is true and correct."

R. S. O. 1877, c. 217, s. 11.

Prisoners to be transferred from common gaol to central prison.

12. All persons from time to time confined in any of the common gaols of the Province, under sentence of imprisonment for any offence against any Act of the Legislature of the Province, may by direction of the Provincial Secretary be transferred from such common gaols respectively to the central prison, there to be imprisoned for the unexpired portion of the term of imprisonment to which any such person was originally sentenced or committed to such common gaols respectively; and such persons shall thereupon be imprisoned in the central prison for the residue of the said respective terms, and shall be subject to all the rules and regulations of the central prison. R. S. O. 1877, c. 217, s. 12. See R. S. C. c. 183, s. 20.

Imprisonment in central prison on conviction by Justices.

13. Every person convicted before one or more Justice or Justices of the Peace, or by a Police Magistrate, of any offence cognizable by such Justice or Justices, or Police Magistrate, and for which punishment by imprisonment in the common gaol may be awarded, for any period not less than fourteen days, and committed to a common gaol under such conviction, may be removed and transferred by order of the Provincial Secretary from the common gaol to the central prison, and there imprisoned for the unexpired portion of his sentence in the central prison instead of the common gaol of the county. R. S. O. 1877, c. 217, s. 13.

Convicts may be sentenced to central prison instead of common gaol.

14. Every Court before which any person is convicted of an offence against any Act of the Legislature of this Province, punishable by imprisonment in the common gaol, may sentence such person to imprisonment in the central prison instead of the common gaol of the county where the offence was committed or was tried. R. S. O. 1877, c. 217, s. 14. See R. S. C. c. 183, s. 19.

Operation of ss. 12-14, declared.

15. The next preceding three sections of this Act shall be held to extend to persons convicted of offences created under the authority of an Act of the Legislature of this Province, as well as to persons convicted of offences directly created by the said Legislature, and to any case where imprisonment is imposed in whole or in part, in default of the payment of a fine or penalty in money, notwithstanding the offender is entitled to be discharged upon payment of such fine or penalty; if the fine or penalty is paid after the removal of the offender to the central prison, the same shall be paid to the proper officer of the said prison, to defray the expense of removal, and otherwise for the use of the said prison; but nothing herein contained shall affect the right of any private person to the said fine, or any part thereof. 44 V. c. 32, s. 1.

Detention of offenders until removal to central prison.

16. Any sheriff or other person having the custody of an offender convicted of an offence punishable by virtue of a statute of this Province, for which such offender has been sen-

tenced to imprisonment in the central prison, may detain the offender, or cause him or her to be detained, in the common gaol of the county or district in which such offender is sentenced, or other place of confinement in which the said offender may be, until a provincial bailiff or other person lawfully authorized in that behalf requires the delivery of the said offender for the purpose of being conveyed to the central prison. 44 V. c. 32, s. 2.

17. The Lieutenant-Governor may from time to time, by warrant, signed by the Provincial Secretary, or by such other officer as may be authorized, by the Lieutenant-Governor in Council in that behalf, direct the removal, from the central prison to the provincial reformatory, or from the central prison back to the common gaol, or from the said reformatory to the central prison, of any person under sentence of imprisonment for an offence against any Act of the Legislature of this Province. R. S. O. 1877, c. 217, s. 15. See R. S. C. c. 183, s. 24.

Transfer of prisoners from Central Prison to reformatory or gaol.

18. The warden of the central prison or reformatory, or the keeper of any common gaol having the custody of any convict or offender ordered to be removed, shall, when required so to do, deliver up the convict or offender, together with a copy, attested by the warden, of the sentence and date of conviction of the convict or offender, as given him on reception of the person into his custody, to the constable or other officer or person who produces the warrant. R. S. O. 1877, c. 217, s. 16.

Wardens and gaolers to deliver up prisoners for removal.

19. The sheriff or deputy-sheriff of any county, or any bailiff, constable or other officer or person, by his direction, or by direction of the Court, or other lawful authority, may convey to the central prison any convict sentenced or liable to be imprisoned therein, and deliver him to the warden or keeper thereof, without any further warrant than a copy of the sentence, taken from the minutes of the Court before which the offender was tried, and certified by a Judge or the clerk or acting clerk of such Court. R. S. O. 1877, c. 217, s. 17.

Conveyance of prisoners to central prison.

20. The warden shall receive into the central prison every offender legally certified to him as sentenced to imprisonment therein, and shall there detain him, subject to all the rules, regulations and discipline thereof, until the time to which he has been sentenced is completed, or until he is otherwise discharged in due course of law. R. S. O. 1877, c. 217, s. 18. See R. S. C. c. 183, s. 22.

Warden to receive prisoner and detain him.

21. The sheriff or other officer or person employed by competent authority to convey such offender to the central prison, or to or from the provincial reformatory, penitentiary, or common gaol, as by law provided, may secure and convey

Powers of sheriff, etc., in that behalf.

him through any county or district through which he may have to pass; and until such offender has been delivered to the warden of the central prison, reformatory, or penitentiary, or the keeper of the common gaol, the sheriff, or other officer or person, shall have in every part of this Province through which it may be necessary to convey the offender, the same power and authority over and with regard to the offender, and to command the assistance of any person to prevent his escape, and in recapturing him in case of an escape, as the sheriff of the county in which he was convicted would himself have in conveying him from one part to another of that county. R. S. O. 1877, c. 217, s. 19.

Sheriff, etc.,
to give and
take receipt
for prisoners.

22. The sheriff, or other officer or person, shall give a receipt to the warden or gaoler for the convict or offender, and shall thereupon, with all convenient speed, convey and deliver up such convict or offender with the attested copy into the custody of the warden or gaoler of the central prison, reformatory, or common gaol, mentioned in the warrant, who shall give a receipt in writing for every convict or offender so received into his custody, to the sheriff or other officer or person, as his discharge; and the convict or offender shall be kept in custody in the central prison, reformatory or common gaol to which he has been so removed, until the termination of his sentence, or until his pardon, or release, or discharge by law, unless he is in the meantime again removed under competent authority. R. S. O. 1877, c. 217, s. 20.

Powers and
duty of war-
den.

23. The warden of the central prison shall reside within the prison, and shall be the chief executive officer of the same, under the direction of the inspector, and as such shall have the entire execution, control and management of all its affairs, subject to the rules, regulations and written instructions from time to time duly made by the inspector, and approved by the Lieutenant-Governor in Council, and he shall be held responsible for the faithful and efficient administration of the offices of every department of the institution. R. S. O. 1877, c. 217, s. 21.

To give secu-
rity.

24. The warden, the accountant, and every storekeeper and steward of the central prison shall severally execute to Her Majesty a bond, with sufficient sureties, conditioned for the faithful performance of the duties of their respective offices, according to law, in the respective sums following, that is to say:

Amount.

| | |
|---|---------|
| 1. The Warden in | \$8,000 |
| With two sureties in (each) | 4,000 |
| 2. The Accountant, Storekeeper and Steward (each) | 4,000 |
| With two sureties (each) in | 2,000 |

Bond to be
filed.

which bond shall be filed in the office of the Provincial Secretary and Registrar. R. S. O. 1877, c. 217, s. 22.

25. The warden and every other officer or servant employed permanently in the central prison shall severally take and subscribe, in a book to be kept for that purpose by the accountant at his office, the oath of allegiance to Her Majesty, and the following oath of office, viz. :

"I (A. B.) do promise and swear (or affirm), that I will faithfully, Form. diligently and justly serve and perform the office and duties of in the Central Prison of this Province to the best of my ability, and that I will carefully observe and carry out all the regulations of the said Prison : So help me God."

which oath may be administered by the inspector, or in the case of any other of the said officers, by the warden. By whom administered.
R. S. O. 1877, c. 217, s. 23.

26. No inspector, warden or other officer or servant employed in such central prison, shall, either in his own name, or in the name of or in connection with any other person, provide, furnish or supply any materials, goods or provisions, for the use of such central prison ; nor shall be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto, under pain of forfeiting \$1,000, with full costs of suit, to any person who sues for the same in any Court of competent jurisdiction in this Province, one-half thereof to belong to Her Majesty for the public services of this Province. R. S. O. 1877, c. 217, s. 24.

27. No warden, officer or servant, except the surgeon, shall be allowed to carry on any trade or calling of profit or emolument in such central prison ; nor shall any such officer buy from or sell to any convict in the said prison anything whatever ; or take or receive to his own use, or for the use of any other person, any fee, gratuity or emolument from any prisoner or visitor or any other person ; nor employ any convict in working for him. R. S. O. 1877, c. 217, s. 25.

28. No spirituous or fermented liquors shall, on any pretence whatever, be brought into the central prison for the use of any officer or person in the institution, except the warden, or for the use of any convict confined therein (except under the rules of the institution) ; and any person other than an officer of the prison, giving any spirituous or fermented liquors, and any person or officer giving any tobacco, snuff, or cigars to any convict (except under the rules of the institution), or conveying the same to any such convict, shall forfeit and pay the sum of \$40 to the warden, to be by him recovered for the use of the prison, in any Court of competent jurisdiction. R. S. O. 1877, c. 217, s. 27. *For penalty in case of officers giving liquor, see Cap. 243, s. 1.*

29. The female convicts or prisoners shall be kept distinct and secluded from the male convicts, and shall be under the charge of the matron. R. S. O. 1877, c. 217, s. 28.

Hard labour
and solitary
confinement.

30. The said central prison shall be furnished with all requisite means for enforcing the performance of hard labour by the inmates thereof; and solitary confinement shall form part of the discipline thereof. R. S. O. 1877, c. 217, s. 29.

Cells for soli-
tary confine-
ment.

31. The central prison shall contain not less than fifty penal cells for the separate and solitary confinement of such prisoners as are sentenced to solitary confinement, or for enforcing obedience to the rules and discipline of the said prison. R. S. O. 1877, c. 217, s. 30.

Lieut.-Governor may ac-
quire lands.

32. The Lieutenant-Governor may cause to be procured and provided, adjacent to or surrounding the central prison, a tract of land fit for agricultural or mechanical purposes, not exceeding two hundred acres, and may cause the same to be securely enclosed. R. S. O. 1877, c. 217, s. 31.

Employment
of prisoners
without the
precincts of
the prison,
under certain
regulations.

33.—(1) The Lieutenant-Governor by Order in Council, may from time to time authorize, direct or sanction the employment upon any specific work or duty, without or beyond the walls or limits of such central prison, of any of the prisoners confined or sentenced to be imprisoned therein; and all such prisoners shall, during such last mentioned employment, be subject to all the provisions of this Act, and to all the rules, regulations, and discipline of the said central prison, so far as the same may be applicable, and to such other regulations for the purpose of preventing escapes and otherwise as may be approved by the Lieutenant-Governor in that behalf.

Under super-
vision.

(2) No such prisoner or prisoners shall be so employed without the walls or limits of such central prison, except under the strictest care and supervision of officers appointed to that duty. R. S. O. 1877, c. 217, s. 32. See R. S. C. c. 183, s. 23.

Prisoners not to
be discharged
on a Sunday.

34. Whenever the time of the sentence of any prisoner committed to the central prison for an offence against any Act of the Legislature of Ontario expires on a Sunday, he shall be discharged on the previous Saturday, unless he desires to remain until the following Monday. R. S. O. 1877, c. 217, s. 33. See R. S. C. c. 183, s. 45.

Prisoners
labouring
under certain
diseases not to
be discharged
until cured.

35. No prisoner shall be discharged from the central prison at the termination of his sentence if then labouring under any contagious or infectious disease, or under any acute or dangerous illness, but he shall be permitted to remain in the prison until he recovers from such disease or illness: and any convict or prisoner remaining from such cause in the central prison shall be under the same discipline and control as if his sentence were still unexpired. R. S. O. 1877, c. 217, s. 34.

Escape, etc.,
punishable
according to
the rules of
the prison.

36. Any escape, prison breach or attempt to escape by any person confined in or sentenced to the central prison shall be punished as may be provided by the rules and regulations of the prison in that behalf. R. S. O. 1877, c. 217, s. 35.

37. The central prison shall be held to include all the land and real estate procured or acquired under section 32 of this Act; and all buildings and machinery erected or used thereon, and all carriages, waggons, sleighs or other vehicles for land carriage, and all boats, scows and other vessels for water carriage, being the property of such central prison, or employed in its service; and the real property of every such prison, and every other property or description of property belonging thereto, shall be and remain vested in Her Majesty, Her Heirs and Successors; but the warden for the time being shall have the custody and care thereof, under such regulations as may be provided in that behalf; and all such property, real and personal, shall be exempt from taxation for municipal purposes. R. S. O. 1877, c. 217, s. 36.

Property belonging to Central Prison vested in Her Majesty, exempt from taxation.

38. All dealings and transactions on account of the central prison, and all contracts for goods, wares or merchandise, necessary for maintaining and carrying on the said institution, or for the sale of goods prepared or manufactured in such central prison, or for the hire, labour or employment of any of the prisoners, either within or without the limits of the central prison, shall be entered into and carried out in the corporate name of the said inspector on behalf of Her Majesty. R. S. O. 1877, c. 217, s. 37.

Contracts, how to be made.

39. All books of account, and other books, bills, registers, returns, receipts, bills of parcels and vouchers, and all other papers and documents of every kind relating to the affairs of the said central prison, shall be considered the property of the prison, and shall remain therein; and the warden of the central prison shall preserve therein at least one copy of all official reports made to the Legislature respecting the same, for which purpose, and for the purpose of enabling him to distribute such official reports in exchange for like documents from other similar institutions abroad, he shall be furnished by the Clerk of the Legislative Assembly, on application, with fifty copies of such reports as printed by the Legislative Assembly. R. S. O. 1877, c. 217, s. 38.

Books of account, etc., to remain in the prison.

Official reports to be preserved, etc.

[See as to fees payable to Sheriffs and Gaol Surgeons for services in connection with offenders sentenced or liable to be removed or sentenced to the Central Prison, Rev. Stat. Cap. 83, ss. 9, 10 and Schedule, p. 838].

CHAPTER 239.

An Act Respecting the Andrew Mercer Ontario Reformatory for Females.

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| INTERPRETATION, s. 1. | Oaths of office, s. 23. |
| OBJECT OF REFORMATORY, s. 2. | Interest in contracts, s. 24. |
| OFFICERS, ss. 3, 4. | Officers not to engage in other business, s. 25. |
| POWERS AND DUTIES OF INSPECTOR, ss. 5-11. | Spirituous liquors, etc., not to be taken into Reformatory, s. 26. |
| TRANSFER OF PRISONERS, ss. 12-18. | HARD LABOUR, s. 27. |
| Transfer from Reformatory to Gaol, s. 15. | EXTENT OF REFORMATORY, s. 28. |
| Powers and duties of officer in charge, ss. 19, 20. | CONTRACTS TO BE MADE BY INSPECTOR, s. 29. |
| GOVERNMENT OF REFORMATORY : The Superintendent, s. 21. | DISCHARGE OF PRISONERS, ss. 30, 31. |
| Accountant to give security, s. 22. | BOOKS TO BE PROPERTY OF REFORMATORY, s. 32. |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpreta-
tion.

1. The word "county," wherever it occurs in this Act, shall include a union of counties for judicial purposes, and every judicial or territorial division or district now existing or which may be hereafter formed out of any portion of the unorganized territory in this Province. 42 V. c. 38, s. 1.

Object of Re-
formatory.

2. The Andrew Mercer Ontario Reformatory for females shall be for the reception, confinement and employment, of such female offenders as are hereinafter mentioned. 42 V. c. 38, s. 2.

Appointment
of certain
officers.

3. The Lieutenant-Governor may from time to time appoint for the said reformatory, a female superintendent, an accountant, a surgeon, a school mistress, and such other officers and servants as may be necessary. 42 V. c. 38, s. 3.

Appointment
of other
officers.

4. The Lieutenant-Governor may also appoint an officer or officers, who shall be employed for the purpose of conveying prisoners from any gaol or other place in which they may be in custody, to the reformatory, or from the reformatory to any other place to which they may be lawfully removed, and in the performance of such other duties as may be assigned to such officer or officers by the inspector of prisons and public charities. 42 V. c. 38, s. 4.

5. The inspector of prisons and public charities shall, by Inspector. virtue of his office, be the inspector of the reformatory.
42 V. c. 38, s. 5.

6. The said inspector shall have power, and it shall be his Inspector to duty, to make rules and regulations for the management, dis- make rules, cipline and police of the reformatory, and for fixing and etc. prescribing the duties and conduct of the superintendent and every other officer or servant employed therein, and for the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment, and reward of persons confined therein, and to annul, alter, and amend the same from time to time: but no such rule or regulation shall have any effect until and unless it is first approved of by the Lieutenant Governor in Council. 42 V. c. 38, s. 6.

7. In order to encourage good behaviour and industry, it Encourage- shall be lawful for the inspector to make rules so that a cor- ment of good rect record of the conduct of every inmate of the prison may behaviour. be made, with a view to permit each offender to earn a remission of a portion of the term for which she is sentenced to be confined. 42 V. c. 38, s. 7.

8. The inspector shall have power summarily to suspend Powers of any of the officers or servants of the reformatory for mis- Inspector over conduct, until the circumstances of the case (of which the officers. Lieutenant-Governor shall be at once notified) have been decided upon by the Lieutenant-Governor, and the inspector may, until such decision has been intimated to him, cause any officers or persons so suspended to be removed beyond the precincts of the reformatory; and it shall be the duty of the inspector to recommend the removal of any of the above-named officers or servants whom he finds incapable, inefficient, or negligent in the execution of his duty, or whose presence in the reformatory he may deem injurious to the interests thereof; and the pay of every officer or servant so suspended shall cease during the period of such suspension. 42 V. c. 38, s. 8.

9. The inspector may impose a fine, payable in money, upon Power of any officer or servant of the reformatory for any act of negli- Inspector to gence, carelessness, or insubordination committed by such impose fines. officer or servant, of reasonable amount, not exceeding one month's pay of the officer or servant, as the inspector may think fit. 42 V. c. 38, s. 9.

10. The inspector shall have power at all times to enter into Inspection of the reformatory, and have access to every part thereof, and Reformatory. to examine all papers, documents, vouchers, records, books, and other things belonging thereto; and to investigate the conduct of any officer or servant employed in or about the reformatory, or of any person found within the precincts thereof, and may summon any person before him by order under his hand,

and examine such person under oath, touching any matter relating to any breach of the rules of the reformatory, or any matter affecting the interests of the institution; and may, by the same or like order, compel the production of books, papers, and writings before him; and any person who neglects or refuses to appear at the time and place specified in the order, having been duly served with a copy thereof, or refuses to give evidence, or to produce the books, papers, or writings demanded of him, may be taken into custody by virtue of a warrant under the hand of the inspector, in that behalf, and imprisoned in the common gaol of the locality, as for contempt of Court, for a period not exceeding fourteen days. 42 V. c. 38, s. 10.

Audit by
Inspector.

11. It shall also be the duty of the inspector to audit the accounts of the accountant of the reformatory; to inquire into all money transactions when requisite; to demand and obtain a statement of all cash transactions of the prison every month; and to administer to the accountant an oath or affirmation to the effect following, viz.:

Oath of Ac-
countant.

"I, _____ Accountant of the Andrew Mercer Ontario Reformatory for Females, make oath (or affirm) and say, that the foregoing statement of revenue and expenditure of the said Reformatory for the month of _____, 18____, is true and correct."

42 V. c. 38, s. 11.

Transfer from
Gaol to
Reformatory.

12. All females confined from time to time in any of the common gaols of the Province, under sentence of imprisonment for any offence against any Act of the Legislature of the Province, may by direction of the Provincial Secretary be transferred from such common gaols respectively to the said reformatory, to be imprisoned for the unexpired portion of the term of imprisonment to which any such female was originally sentenced or committed to such common gaols respectively; and such females shall thereupon be imprisoned in the reformatory aforesaid, for the residue of the said respective terms, and shall be subject to all the rules and regulations of the reformatory. 42 V. c. 38, s. 12.

Convict may
be sentenced
to Reforma-
tory.

13. Every Court before which any female is convicted of an offence against any Act of the Legislature of this Province, punishable by imprisonment in the common gaol, may sentence such female to imprisonment in the said reformatory instead of the common gaol of the county where the offence was committed or was tried: but this section shall not authorize the imposition of such sentence by any Justice of the Peace, or Police or Stipendiary Magistrate. 42 V. c. 38, s. 13.

Application of
ss. 12 and 13.

14. The next preceding two sections shall be held to extend to persons convicted of offences created under the authority of an Act of the Legislature of this Province as well as to persons convicted of offences directly created by the said Legislature.

and to any case where imprisonment is imposed in whole or in part in default of the payment of a fine or penalty in money, notwithstanding the offender is entitled to be discharged upon payment of such fine or penalty; if the fine or penalty is paid after the removal of the offender to the reformatory the same* shall be paid to the proper officer of the reformatory to defray the expense of removal and otherwise for the use of the said reformatory, but nothing herein contained shall affect the right of any private person to the said fine or any part thereof. 44 V. c. 32, s. 1.

15. The Lieutenant-Governor may from time to time, by warrant signed by the Provincial Secretary, or by such other officer as may be authorized by the Lieutenant-Governor in Council in that behalf, direct the removal from the reformatory back to the common gaol, of any person under sentence of imprisonment for an offence against any Act of the Legislature of this Province. 42 V. c. 38, s. 14.

Transfer from
Reformatory
to Gaol.

16. The superintendent of the reformatory, or the keeper of any common gaol, having the custody of any offender ordered to be removed, shall, when required so to do, deliver up to the constable or other officer or person who produces the said warrant, the offender, together with a copy, attested by the superintendent or gaoler, of the sentence and date of conviction of the offender, as given him on reception of the offender into his custody. 42 V. c. 38, s. 15.

Superintendent
or Gaoler
to deliver up
prisoners.

17. Any officer appointed under section 4, or other officer or person by his direction, or by direction of the Court or other lawful authority, may convey to the reformatory any convict sentenced or liable to be imprisoned therein, and deliver her to the superintendent or keeper thereof, without any further warrant than a copy of the sentence, taken from the minutes of the Court before which the offender was tried, and certified by a Judge or the clerk or acting clerk of the Court. 42 V. c. 38, s. 16.

Copy of sentence
sufficient
warrant.

18. The superintendent shall receive into the reformatory every offender legally certified to her as sentenced to imprisonment therein, and shall there detain her, subject to all the rules, regulations, and discipline thereof, until the time to which she has been sentenced shall be completed, or until she is otherwise discharged in due course of law. 42 V. c. 38, s. 17.

Superintendent
to receive
and detain
prisoners.

19. The officer or other person employed by competent authority to convey such offender to the reformatory or back to a common gaol, as by law provided, may secure and convey her through any county or district through which he may have to pass; and until the offender shall have been delivered to the superintendent of the reformatory, or the keeper of such common gaol, the said officer or other person shall have

Powers of officer
in charge
of prisoner.

in every part of this Province through which it may be necessary to convey the offender, the same power and authority over and with regard to the offender, and to command the assistance of any person to prevent her escape, and in recapturing her in case of an escape, as the sheriff of the county in which she was convicted would himself have in conveying her from one part to another of that county. 42 V. c. 38, s. 18.

Officer to give
and take re-
ceipt for
prisoner.

20. The said officer or other person, shall give a receipt to the said superintendent or gaoler for the offender, and shall thereupon, with all convenient speed, convey and deliver up the offender with the said attested copy into the custody of the superintendent of the reformatory or gaoler of the gaol mentioned in the warrant, who shall give a receipt in writing for every offender so received into his custody, to such officer or other person, as his discharge; and the offender shall be kept in custody in the reformatory or gaol to which she has been so removed, until the termination of her sentence, or until her pardon, or release, or discharge by law, unless she is in the meantime again removed under competent authority. 42 V. c. 38, s. 19.

Powers and
duty of Super-
intendent.

21. The superintendent of the reformatory shall reside within the prison, and shall be the chief executive officer of the same, under the direction of the inspector, and as such shall have the entire execution, control, and management of all its affairs, subject to the rules, regulations, and written instructions from time to time duly made by the inspector, and approved by the Lieutenant-Governor in Council, and she shall be held responsible for the faithful and efficient administration of the offices of every department of the institution. 42 V. c. 38, s. 20.

Accountant to
give security.

22. The accountant of the reformatory shall execute to Her Majesty a bond, with sufficient sureties, conditioned for the faithful performance of the duties of the office, according to law, in the sum of \$4,000 with two sureties for \$2,000 each, which bond shall be filed in the office of the Provincial Secretary and Registrar. 42 V. c. 38, s. 21.

Superinten-
dent and offi-
cers to take
oath of allegi-
ance.

23. The superintendent and every other officer or servant employed permanently in the reformatory, shall severally take and subscribe, in a book to be kept for that purpose by the accountant at his office, the oath of allegiance to Her Majesty, and the following oath of office, viz:

"I (A. B.), do promise and swear (or affirm) that I will faithfully, diligently, and justly serve and perform the office and duties of in the Andrew Mercer Ontario Reformatory for females to the best of my ability, and that I will carefully observe and carry out all the regulations of the said prison, so help me God."

Which oath may be administered by the inspector, or, in case of any other of the said officers, by the superintendent. 42 V. c. 38, s. 22.

24. No inspector, superintendent, or other officer or servant employed in the reformatory, shall either in his own name, or in the name of, or in connection with any other person, provide, furnish, or supply any materials, goods, or provisions for the use of the said reformatory; nor shall be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto, under pain of forfeiting \$1000, with full costs of suit, to any person who sues for the same in any Court of competent jurisdiction in this Province, one-half thereof to belong to Her Majesty for the public services of this Province. 42 V. c. 38, s. 23.

Officers not to be interested in any contract.

25. No superintendent, officer, or servant, except the surgeon, shall be allowed to carry on any trade or calling of profit or emolument in the reformatory; nor shall any such superintendent, officer, or servant buy from or sell to any convict in the said prison anything whatever; or take or receive to his own use, or for the use of any other person, any fee, gratuity, or emolument from any prisoner or visitor, or any other person, or employ any convict in working for him. 42 V. c. 38, s. 24.

Officers not to engage in trade, etc., in the Reformatory.

26. Except under the rules of the institution, no spirituous or fermented liquors shall, on any pretence whatever, be brought into the reformatory for the use of any officer or person in the institution, or for the use of any convict confined therein; and any person, other than an officer of the reformatory, giving any spirituous or fermented liquors, and any person or officer giving any tobacco, snuff, or cigars, to any convict (except under the rules of the institution), or conveying the same to any such convict, shall forfeit and pay the sum of \$40 to the superintendent, to be by her recovered for the use of the reformatory, in any Court of competent jurisdiction. 42 V. c. 38, s. 25.

Liquors, etc., not to be taken into Reformatory.

27. The reformatory shall be furnished with all requisite means for enforcing the performance of hard labour by the inmates thereof. 42 V. c. 38, s. 26.

Hard labour.

28. All the land enclosed and used in connection with the reformatory building shall be held to be part of the Andrew Mercer Ontario Reformatory for females. 42 V. c. 38, s. 27.

Reformatory, what to include.

29. All dealings and transactions on account of the reformatory, and all contracts for goods, wares, or merchandise, necessary for maintaining and carrying on the said institution, or for the sale of goods prepared or manufactured in the reformatory, or for the hire, labour, or employment of any of the prisoners, shall be entered into and carried out in the corporate name of the said inspector on behalf of Her Majesty. 42 V. c. 38, s. 28.

Contracts, etc., how made.

Prisoners not
to be discharg-
ed on Sunday.

30. Whenever the time of the sentence of any prisoner committed to the reformatory, for an offence against any Act of the Legislature of Ontario, expires on a Sunday, she shall be discharged on the previous Saturday, unless she desires to remain until the following Monday. 42 V. c. 38, s. 29.

Prisoners not
to be discharg-
ed if labouring
under certain
diseases.

31. No prisoner shall be discharged from the reformatory at the termination of her sentence, if then labouring under any contagious or infectious disease, or under any acute or dangerous illness, but she shall be permitted to remain in the prison until she recovers from the disease or illness, and any convict or prisoner remaining from any such cause in the reformatory, shall be under the same discipline and control as if her sentence were still unexpired. 42 V. c. 38, s. 30.

Books of
account to re-
main in Re-
formatory.

Official re-
ports.

32. All books of account, and other books, bills, registers, returns, receipts, bills of parcels, and vouchers, and all other papers and documents of every kind, relating to the affairs of the reformatory, shall be considered the property of Her Majesty and shall remain in the reformatory, and the superintendent of such reformatory shall preserve therein at least one copy of all official reports made to the Legislature respecting the same, for which purpose, and for the purpose of enabling her to distribute such official reports in exchange for like documents from other similar institutions abroad, she shall be furnished by the Clerk of the Legislative Assembly, on application, with fifty copies of such reports as printed by the said Legislative Assembly. 42 V. c. 38, s. 31.

CHAPTER 240.

An Act to establish an Industrial Refuge for Girls.

INDUSTRIAL REFUGE, ss. 1,2.

OFFICERS, ss. 3,4.

COMMITTAL OR REMOVAL TO REFUGE,
ss. 5-14.

DISCHARGE, ss. 15,16.

DEPOSITIONS TO BE DELIVERED TO
OFFICER RECEIVING PRISONER,
s. 17.EXPENSES OF CONVEYING PRISONERS
TO REFUGE, s. 18.

NOTICE TO PARENTS, s. 19.

APPRENTICING GIRLS, s. 20.

RE-COMMITTAL OF GIRLS DISCHARGED
ON PROBATION, s. 21.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council may set apart such portion of the Andrew Mercer Ontario Reformatory for females as he may think fit for the reception of girls under the age of fourteen years. 42 V. c. 39, s. 1.

Portion of the Mercer Reformatory may be set apart for Refuge.

2. The said portion so set apart shall be called "The Industrial Refuge for girls." 42 V. c. 39, s. 2.

Name of portion set apart.

3. The inspector of prisons and public charities and the superintendent, accountant, surgeon and school mistress of the Andrew Mercer Ontario Reformatory for females, shall be also the inspector, superintendent, accountant, surgeon, and school mistress of the said industrial refuge for girls, and shall perform similar duties in respect to both institutions. 42 V. c. 39, s. 3.

Certain officers of Mercer Reformatory to act as officers of Refuge.

4. The Lieutenant-Governor may appoint for the refuge such other officers and servants as may be required, or he may require any officer or servant of the said reformatory to act for both of the said institutions. 42 V. c. 39, s. 4.

Appointment of other officers.

5. Whenever a girl under the age of fourteen years is convicted under any Act of the Legislature of Ontario of an offence punishable on summary conviction and is thereupon sentenced and committed to prison in any common gaol, any Judge of the High Court, or the Judge of any County Court (in a case occurring within his county) may examine and enquire into the circumstances of such case and conviction, and may direct the offender to be sent either

What convicts may be sent to Refuge.

Proviso.

forthwith or at the expiration of her sentence to the said refuge, to be there detained for a period of not less than two years and not exceeding five years, and such offender shall be liable to be detained pursuant to such direction unless, in the manner hereinafter provided or otherwise lawfully, sooner discharged: provided no one sent to the refuge under this section shall be discharged under this Act until the period for which she is sentenced for her said offence has expired. 42 V. c. 39, s. 5.

Removal from Reformatory to Refuge.

6. The inspector of prisons may, upon the application of the superintendent, direct the removal from the reformatory to the said refuge of any girl under sixteen who is confined in the said reformatory for any offence within the jurisdiction of the Legislature of Ontario. 42 V. c. 39, s. 6.

In certain other cases girls may be sent to Refuge.

7. A County or District Court Judge or Police Magistrate may by his warrant commit to the refuge any girl apparently under the age of fourteen years who comes within any of the following descriptions:

1. Who is found begging or receiving alms or being in any street or public place for the purpose of begging or receiving alms;
2. Who is found wandering and not having any home or settled place of abode or proper guardianship;
3. Who is found destitute and is an orphan, or has a surviving parent who is undergoing penal servitude or imprisonment;
4. Whose parent, step-parent or guardian represents to the Judge or Police Magistrate that he is unable to control the girl and that he desires her to be sent to the refuge: the word guardian as used herein shall include any officer of a society under whose charge the girl is, or any person standing in fact in the place of a parent although not lawfully appointed a guardian;
5. Who by reason of the neglect, drunkenness, or other vices of her parents or either of them, or of any other persons in whose charge such girl is, is suffered to be growing up without salutary control and education or in circumstances which render it probable that such girl will, unless placed under proper control, lead an idle and dissolute life. 42 V. c. 39, s. 7; 50 V. c. 8, Sched.

Mode of proceeding under last section.

8. No formal information shall be requisite to authorize proceedings being taken under the preceding section, but the Judge or Police Magistrate before issuing his warrant shall have such girl brought before him and shall in her presence take evidence in writing under oath of the facts charged and shall make reasonable enquiry into the truth thereof. 42 V. c. 39, s. 8.

9. It shall be the duty of the Judge or Police Magistrate to obtain from the witnesses at the hearing, where practicable, the residence of the parents of the girl, or of the persons with whom she resides, and their post office address. 42 V. c. 39, s. 9. Judge to obtain address of parents, etc.

10. The proceedings to be taken and the forms to be followed upon an application for a committal to the refuge shall, unless where otherwise provided by this Act, be, as nearly as may be, in accordance with the proceedings and forms which are authorized in case of prosecutions before a Justice of the Peace for an offence punishable by imprisonment under the laws of Canada upon summary conviction. 42 V. c. 39, s. 10. Proceedings and forms.

11. It shall not be necessary in the said warrant to fix any period for the detention of any girl committed to the refuge; but every girl so committed shall be liable to be there detained for the purpose of learning some proper trade, or being taught some other means of earning her livelihood, or for the formation of industrious habits, for the period of five years, unless the Lieutenant-Governor shall sooner direct her discharge or the inspector shall make an order under section 20. 42 V. c. 39, s. 11. Time of detention in Refuge.

12. The Lieutenant-Governor in his discretion may at any time, and from time to time, order any girl confined in the said refuge, who is reported by the superintendent as incorrigible, to be transferred to the said female reformatory for any period not exceeding two months at any one time. 42 V. c. 39, s. 12. Transfer of prisoners from Refuge to Reformatory.

13. Where the confinement of any girl in the refuge is directed under this Act, the Judge or Police Magistrate may either by his warrant authorize some female to convey the said girl to the refuge, or he may give such directions as he considers advisable for the detention of the girl in some proper place of confinement until a female provincial bailiff, or other person lawfully authorized in that behalf, receives the said girl's delivery for the purpose of being conveyed to the refuge. 44 V. c. 32, s. 3. Judge or Magistrate may give directions as to removal or detention of girls in certain cases.

14. In case the Judge or Police Magistrate directs the girl's detention under the next preceding section, he shall cause the superintendent of the refuge to be forthwith notified of his action in the said matter: in case a female is employed by the said Judge or Police Magistrate to convey the girl to the refuge, she shall be entitled to receive from the county or separate town or city the like fees and charges therefor as a constable would receive for similar services. 44 V. c. 32, s. 4. Notice of detention to be given to superintendent of Refuge. Fees.

Superintendent to report proper cases for discharge.

15. It shall be the duty of the superintendent from time to time to report to the Provincial Secretary, for submission to the Lieutenant-Governor, the cases of such girls as she is of opinion may with propriety be discharged from the refuge. 42 V. c. 39, s. 13.

Applications for discharge of girls committed under section 7.

16. In case an application is made to any Court or Judge for the discharge from the refuge of any girl committed thereto under the provisions of section 7 of this Act, notwithstanding any irregularity in or insufficiency of the warrant or other proceedings, no order shall be made for such discharge in case the Court or Judge shall deem it for the benefit of the girl that she should remain in the refuge and it shall appear by the depositions taken before the committing Judge or Magistrate that she was liable to be committed to the refuge under the provisions of this Act. 42 V. c. 39, s. 14.

Depositions to be delivered to person receiving prisoner.

17. The committing magistrate shall deliver to the constable or other person having the execution of his warrant, the depositions taken by him, or a certified copy thereof, which depositions or copy shall be delivered by the constable or other person to the superintendent or officer receiving the prisoner into the refuge; such copy shall be *prima facie* proof of the contents of the original depositions and shall be receivable in evidence upon any application for the discharge of any girl committed thereunder. 42 V. c. 39, s. 15.

Expenses of conveying persons to Refuge.

18. The expenses of conveying to the said refuge any girl committed thereto shall be paid by the county, city, or separate town in which such girl is committed. 42 V. c. 39, s. 16.

Superintendent to send notice to parents, etc.

19. The superintendent shall, upon the reception of any girl into the refuge, ascertain from the girl and from the depositions the address of the parents, guardian, or other person with whom such girl has been living, and shall send by mail, registered, a notice that such girl has been committed to the said refuge. 42 V. c. 39, s. 17.

Power to bind girls as apprentices.

20. In case any respectable and trustworthy person is willing to undertake the charge of any girl committed to the refuge, either this Act or any other Act of the Legislature of this Province, whether she be over or under the age of twelve years, as an apprentice to the trade or calling of such person or for the purpose of domestic service, the superintendent may, with the consent of the inspector of prisons, bind the said girl to such person for any term not to extend beyond the girl's attaining the age of eighteen years, and the inspector shall thereupon order that such girl shall be absolutely discharged, or discharged on probation, and she shall be discharged accordingly; any wages reserved in any such indenture shall be payable to the girl or to some other person for her benefit. 49 V. c. 49, s. 1, *part*.

21.—(1) The Judge of any County or District Court or any Police Magistrate, or the inspector of prisons, may upon satisfactory proof that any girl, who was sentenced under the provisions of this Act or any other Act of the Legislature of this Province, and who has been discharged on probation, has violated the conditions of her discharge, order such girl to be re-committed to the refuge, and thereupon she shall be detained therein under her original sentence, as if she had never been discharged.

Re-committal
of girls dis-
charged on
probation.

(2) The said proof may be by oral evidence, and each of the said officers is hereby authorized to administer an oath to any person requiring to give evidence under this section. 49 V. c. 49, s. 1, *part*; 50 V. c. 8, Sched.

CHAPTER 241.

An Act respecting the Ontario Reformatory for Boys.

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| INTERPRETATION, s. 1. | POWERS AND DUTIES OF SUPERINTENDENT, ss. 20-22. |
| NAME AND EXTENT OF REFORMATORY, ss. 2,3. | BOOKS OF ACCOUNT TO REMAIN AT REFORMATORY, s. 23. |
| OBJECTS OF REFORMATORY, s. 4. | OFFICERS: |
| APPOINTMENT OF OFFICERS, ss. 5,6. | Bursar to give security, s. 24. |
| INSPECTOR, s. 7. | Oaths, s. 25. |
| Notice to Inspector, s. 8. | Interest in contracts, s. 26. |
| REMOVAL TO REFORMATORY, ss. 9,10. | COMMITTAL TO REFORMATORY, s. 27. |
| Receipt to be given and taken for boy, s. 11. | TIME OF CONFINEMENT, s. 28. |
| Powers of bailiff, s. 12. | DETENTION IN GAOL OF BOY COMMITTED TO REFORMATORY, ss. 29,30. |
| Warrant to person other than bailiff, s. 13. | MITIGATION OF SENTENCE, ss. 31,32. |
| CONTRACTS TO BE MADE BY INSPECTOR, s. 14. | APPRENTICING BOYS, s. 33. |
| POWERS AND DUTIES OF INSPECTOR, ss. 15-19. | DISCHARGE, ss. 34,35. |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The word "county," whenever it occurs in this Act, shall include any union of counties for judicial purposes, and every judicial or territorial district now existing or that may be hereafter formed out of any portion of the unorganized territory in this Province; the word "sentence," unless where the context requires a different meaning, shall include any order made by

Interpreta-
tion.

lawful authority for the confinement of any boy in the reformatory hereinafter mentioned, and the word "sentenced," shall include the making of such order. 43 V. c. 34, s. 1.

Name of Reformatory.

2. The institution established at Penetanguishene, and known as the reformatory prison, is hereby continued, and shall hereafter be designated the "Ontario Reformatory for Boys." 43 V. c. 34, s. 2.

Property included in Reformatory.

3. The said Ontario reformatory for boys shall be held to include all the lands and buildings now attached and belonging to the reformatory, including the lands acquired from the Ordnance Department, and known as "the redoubts," and whatever land may hereafter be purchased or acquired for the purposes of the reformatory, and whatever buildings may hereafter be erected upon any of the said lands. 43 V. c. 34, s. 3.

Objects of Reformatory.

4. The reformatory shall have for its objects the custody and detention, with a view to their education, industrial training, and moral reclamation, of such boys as shall be lawfully sentenced to confinement therein. 43 V. c. 34, s. 4.

Appointment of certain officers.

5. The Lieutenant-Governor may from time to time appoint for the reformatory a superintendent, a deputy-superintendent, a bursar, a storekeeper and steward, two or more schoolmasters, a surgeon, and such trade-instructors, overseers, and other officers and servants as the efficient management of the said reformatory may require; and may fix and determine their respective salaries. 43 V. c. 34, s. 5.

Qualification of school masters.

6. No person shall be deemed legally qualified to be a schoolmaster in the reformatory who does not at the time of his appointment, and during his tenancy of the office, hold a first or second-class certificate of qualification as public school teacher in this Province. 43 V. c. 34, s. 6.

Inspector.

7. The inspector of prisons and public charities shall, by virtue of his office, be the inspector of the reformatory. 43 V. c. 34, s. 7.

Notice to be sent to Inspector when any boy is sentenced to Reformatory.

8. Whenever a boy is sentenced to confinement in the said reformatory, the sheriff or other officer having the lawful custody of such boy, shall forthwith notify the inspector of such sentence, and shall at the same time send to the inspector a copy of the sentence of such boy, taken from the minutes of the Court before which such boy was tried, and certified by a Judge, or the clerk, or acting clerk of such Court, or in case the boy is held in custody under the order or warrant of a Judge, Justice of the Peace, or other Magistrate, a copy, certified by such sheriff or other officer, of the said order or warrant, together with a return in accordance with the schedule to this Act, properly filled up. 43 V. c. 34, s. 8.

9. The inspector may thereupon issue his warrant in duplicate under his official seal, to a provincial bailiff requiring the bailiff to take the boy into his custody, and the sheriff or other officer having the lawful custody of such boy, shall when required so to do, upon production of one of the duplicates of the warrant, deliver up the said boy to the bailiff, and in case the sheriff or other officer holds a warrant or order for the confinement of such boy in the reformatory, he shall also deliver the original warrant or order with the boy to the bailiff, in order that he may deliver the same to the superintendent of the reformatory. 43 V. c. 34, s. 9.

Warrant of removal.

10. The bailiff may take into his custody, for the purpose of removal to the said reformatory, any boy sentenced to the reformatory, without any further authority than the said warrant of the inspector, and either the said certified copy of the sentence or the said original warrant or order. 43 V. c. 34, s. 10.

Authority for removal.

11. The bailiff shall give one of the duplicates of the warrant and a receipt for such boy to the sheriff, gaoler, superintendent, or other officer having the custody of such boy, and shall thereupon, with all convenient speed, convey and deliver up such boy, with the certified copy of the sentence, or warrant or order, into the custody of the superintendent of the reformatory, or the warden or keeper of the said place to which such boy may be lawfully removed, and the superintendent, warden, or keeper shall give a receipt in writing for every boy so received into his custody to the bailiff as his discharge; and such boy shall be kept in custody in the reformatory, or other lawful place to which he has been so removed, until the termination of his sentence, or until his pardon, release, or discharge by law or until he be removed therefrom under competent authority. 43 V. c. 34, s. 11.

Receipt to be given and taken by bailiff.

12. The bailiff may secure and convey such boy through any county through which he may have to pass; and until such boy shall have been delivered to the superintendent of the reformatory, or to the warden or keeper of any place to which such boy may lawfully be removed from the reformatory, the bailiff shall have, in every part of this Province through which it may be necessary to convey such boy, the same power and authority over and with regard to such boy, and to command the assistance of any person to prevent his escape, and to recapture him in case of his escape, as the sheriff of the county in which he was convicted would himself have in conveying him from one part to another of that county. 43 V. c. 34, s. 12.

Powers of bailiff.

13. The inspector may, whenever it is more convenient so to do, address his warrant for the removal of any boy to or from the reformatory (whose removal is by law required

Warrant may be directed to person not a bailiff.

or authorized) to any fit and proper officer or person other than the bailiff, and such officer and person shall thereupon, as to every such boy and for his removal or to prevent his escape or for his recapture, possess all the rights and authority which a provincial bailiff would have had if such warrant had been addressed to him, and shall perform the like duties. 43 V. c. 34, s. 13.

Contracts how
to be made.

14. All dealings and transactions on account of the reformatory, and all contracts for goods, wares, or merchandise necessary for maintaining and carrying on the industrial operations of the said institution, or for the sale of goods prepared or manufactured therein, or for the hire, labour or employment of any boy therein confined, either within or without the limits of the reformatory, shall be entered into and carried out in the corporate name of the inspector on behalf of Her Majesty. 43 V. c. 34, s. 14.

Inspector to
make rules,
etc.

15. The inspector shall make rules and regulations for the management, interior economy and discipline of the reformatory, and for fixing and prescribing the duties and conduct of the superintendent and every other officer and servant employed therein, and for the clothing, maintenance, education, employment, industrial instruction, classification, discipline, correction, punishment, reward, and general oversight and care of all boys sent to the reformatory, and may repeal and amend the same from time to time; but no such rule or regulation, repeal or amendment shall have any effect unless and until it is first approved of by the Lieutenant-Governor in Council. 43 V. c. 34, s. 15.

Powers of In-
spectors over
officers of Re-
formatory.

16. The inspector shall have power summarily to suspend any of the officers or servants of the reformatory for misconduct, until the circumstances of the case (of which the Lieutenant-Governor shall be at once notified) have been decided upon by the Lieutenant-Governor in Council, and the inspector may, until such decision shall have been notified to him, cause any officer or servant so suspended to be removed beyond the precincts of the reformatory; and it shall be the duty of the said inspector to recommend the removal of any officer or servant whom he finds incapable, inefficient, or negligent in the execution of his duty, or whose presence in the reformatory he may deem injurious to the interests thereof; and the pay of every officer or servant so suspended shall cease during the period of such suspension. 43 V. c. 34, s. 16.

Inspector may
impose fines.

17. The inspector may impose upon any officer or servant of the reformatory, for any act of negligence, carelessness, or insubordination by him committed, a fine of reasonable amount, not exceeding one month's pay of the officer or servant, as the inspector may think fit. 43 V. c. 34, s. 17.

18. The inspector shall have power at all times to enter into the reformatory, and have access to every part thereof, and to examine all papers, documents, vouchers, records, books, and other things belonging thereto; and to investigate the conduct of any officer or servant employed in or about the reformatory, or of any person found within the precincts thereof, and may summon any person before him by order under his hand, and examine such person under oath touching any matter relating to any breach of the rules of the reformatory, or any matter affecting the interests of the institution, and may by the same or like order compel the production of books, papers, and writings before him; and any person, having been duly served with a copy of such order, who shall neglect or refuse to appear at the time and place specified therein, or shall refuse to give evidence, or to produce the books, papers, or writings demanded of him, may, by virtue of a warrant under the hand of the inspector in that behalf, be taken into custody, and imprisoned in the common gaol as for contempt of Court, for a period not exceeding fourteen days. 43 V. c. 34, s. 18.

Inspection of
Reformatory
by Inspector.

19. It shall also be the duty of the inspector to audit the accounts of the bursar of the reformatory, to inquire into all money transactions when requisite, and to demand and obtain a statement of all cash transactions of the reformatory every month. 43 V. c. 34, s. 19.

Audit by
Inspector.

20. The superintendent of the reformatory shall reside in a house to be provided for him within the grounds of the reformatory, and shall be the chief executive officer of the same, under the direction of the inspector, and as such shall have the entire execution, control, and management of all its affairs, other than those under the control and management of the bursar, subject to the rules and regulations made by the inspector as aforesaid, and he shall be held responsible for the faithful and efficient administration of the offices of every department of the institution. 43 V. c. 34, s. 20.

Powers and
duty of Super-
intendent.

21. The superintendent shall receive into the reformatory every boy legally certified to him as sentenced to confinement therein, and shall there detain him, subject to all the rules, regulations, and discipline thereof, until the time to which he has been sentenced shall be completed, or until he shall be otherwise lawfully discharged. 43 V. c. 34, s. 21.

Superinten-
dent to receive
and detain
boys sentenced
to Reforma-
tory.

22. The superintendent shall, upon the reception of any boy into the reformatory, ascertain the address of the parents, guardian, or other person with whom such boy has been living, and shall send by mail, registered, a notice that such boy has been committed to the reformatory. 43 V. c. 34, s. 22.

Superinten-
dent to notify
parents, etc.

Books of account, etc., to remain in Reformatory.

23. All books of account, bills, registers, returns, receipts, bills of parcels, and vouchers, and all other books, papers, and documents of every kind relating to the affairs of the reformatory, shall be considered the property of Her Majesty and shall remain in the reformatory; and the superintendent of the reformatory shall preserve therein at least one copy of all official reports made to the Legislature respecting the same, for which purpose, and for the purpose of enabling him to distribute such official reports in exchange for like documents from other similar institutions elsewhere, he shall be furnished by the Clerk of the Legislative Assembly, on application, with fifty copies of such reports as printed by the said Legislative Assembly. 43 V. c. 34, s. 23.

Official reports.

Bursar, etc., to give security.

24. Every bursar, and every storekeeper and steward of the reformatory, shall severally execute to Her Majesty a bond, with the security of some guarantee company in good standing in this Province, conditioned for the faithful performance of the duties of their respective offices according to law, in the respective sums following, that is to say: the bursar in \$3,000, and the storekeeper and steward in \$1,000, which bond shall be filed in the office of the Provincial Secretary and Registrar. 43 V. c. 34, s. 24.

Oaths to be taken by Superintendent, etc.

25. Every superintendent, officer, and servant employed permanently in the said reformatory, shall severally take and subscribe in a book to be kept for that purpose by the bursar at his office, the oath of allegiance to Her Majesty, and the following oath of office, viz.:—

“ I, (A. B.) do promise and swear (or affirm) that I will faithfully, diligently, and justly perform the duties of _____ in the Ontario Reformatory for Boys to the best of my ability, and that I will carefully observe and carry out all the rules and regulations of the said Reformatory, so help me God :—”

Which oath may be administered by the inspector, or by a Justice of the Peace, and in the case of any of the said officers or servants other than the superintendent, by the superintendent. 43 V. c. 34, s. 25.

Officers not to be interested in any contract for supply of Reformatory.

26 No inspector, superintendent, or other officer or servant employed in the reformatory, shall, either in his own name, or in the name of or in connection with any other person, provide, furnish, or supply any materials, goods, or provisions, for the use of the reformatory, or be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto, under a penalty of \$1,000, with full costs of suit, to any person who sues for the same in any Court of competent jurisdiction in this Province, one-half of the penalty to belong to the person suing for the same, and the other half to Her Majesty for the public services of this Province. 43 V. c. 34, s. 26.

Penalty.

27. Upon complaint and due proof made to the Judge of any County or District Court or to any Police Magistrate, by a parent or guardian of any boy between the ages of ten and thirteen years, that by reason of incorrigible or vicious conduct, such boy is beyond the control of such parent or guardian, and that a due regard for the material and moral welfare of such child manifestly requires that he should be committed to the reformatory, the Judge or Police Magistrate may order such boy to be confined in the reformatory for an undefined period not to exceed five years. 43 V. c. 34 s. 27; 50 V. c. 8, sched.

Boys may be sent to Reformatory on proof that they are so incorrigible or vicious as to be beyond control.

28. Any Court, Judge, Police or Stipendiary Magistrate, or Justice of the Peace, who, under and by virtue of any Act of the Legislature of this Province, has, or shall have, power to sentence any boy to be confined in the reformatory for any stated period, may sentence such boy to be confined therein for an undefined period; and such boy shall thereupon be detained in the reformatory until he be reformed or otherwise fit to be apprenticed or bound out, or be probationally or permanently discharged, as hereinafter provided: Provided that such boy shall not be detained for a longer time than the maximum term of confinement for which he might have been sentenced for the offence of which he was convicted; and that no boy shall be sentenced under this section who cannot be imprisoned for two years or over. 43 V. c. 34, s. 28.

Time of confinement in Reformatory.

Provido.

29. In case a boy is sentenced to confinement in the reformatory, a copy of the sentence of the Court duly certified as aforesaid, or the warrant or order of the Judge, Justice of the Peace, or other Magistrate by whom the boy is sentenced, shall be a sufficient authority to the sheriff, constable, or other officer who may be directed so to do (which direction may be verbal) to convey such boy to the common gaol of the county where such sentence is pronounced, and for the gaoler of such gaol to receive and detain the said boy until the provincial bailiff or other person entrusted with the warrant of the inspector shall require the delivery of such boy for removal to the reformatory. 43 V. c. 34, s. 29.

Warrant for detention in gaol of persons sentenced to Reformatory.

30. In case a boy, sentenced under any Act of the Legislature of Ontario to be confined in the reformatory, is in such a weak state of health that he cannot safely or conveniently be removed to the reformatory, he may be detained in the common gaol or other place of confinement in which he may be, until he is sufficiently recovered to be safely and conveniently removed to the reformatory; but any time during which such boy is so detained shall be reckoned in computing the time served by such boy in the reformatory. 43 V. c. 34, s. 30.

Detention in gaol when boy cannot safely or conveniently be removed.

31. In order to encourage good behaviour and industry among the boys in the said reformatory, and with a view to permitting every boy to earn a remission of a portion of the

Record to be kept with a view to mitigation of sentence.

term for which he was sentenced to the said reformatory, it shall be lawful for the inspector to make rules so that a correct record of the conduct of every boy may be made under the mark system. 43 V. c. 34, s. 31.

Proceedings
for remission
of sentence.

32. When under the rules in that behalf, a boy shall have obtained the requisite number of good marks, based upon good conduct, proficiency in school and industrious habits, and shall in addition thereto have given satisfactory evidence of being reformed, it shall be the duty of the superintendent to transmit to the inspector a certificate to that effect, and also the separate certificates to a like effect or with such variations as their respective opinions may render necessary, of the minister or other person who has given religious instruction to such boy, of the schoolmaster who has given him secular instruction and of the trade instructors, if any, whom he has been under; whereupon, the inspector, if he considers it requisite, shall make further enquiry into the facts, and having satisfied himself that the boy has earned his discharge shall forthwith transmit the certificates and other papers to the Attorney-General of the Province, with a recommendation that action be taken to have the remaining portion of the sentence of such boy remitted, or to have such boy discharged on probation for a stated period: Provided that no action shall be taken under this section in respect of any boy who has not been at least one year in the reformatory: Provided also that the Judge of any County Court or any Police Magistrate may, upon satisfactory proof that any boy who was sentenced under the provisions of an Act of the Legislature of Ontario and who has been discharged on probation, has violated the conditions of his discharge, order such boy to be recommitted to the reformatory, there to be confined for the residue of the term for which he was originally sentenced. 43 V. c. 34, s. 32.

Proviso.

Proviso.

Superintendent
may apprentice boys
in certain
cases.

33. In case any respectable and trustworthy person is willing to undertake the charge of any boy committed to the reformatory, when such boy is over the age of twelve years, as an apprentice to the trade or calling of such person, or for the purpose of domestic service, and such boy is confined in the reformatory by virtue of a sentence pronounced under the authority of any statute of this Province, the superintendent may, with the consent and in the name of the inspector, bind the said boy to such person for any term not to extend beyond a period of five years from the commencement of his imprisonment, without his consent, and the inspector shall thereupon order that such boy shall be discharged from the said reformatory, and he shall be discharged accordingly: Provided that any wages reserved in any indenture of apprenticeship made under this section shall be payable to the said boy or to some other person for his benefit. 43 V. c. 34, s. 33.

Proviso

34. Whenever the time of any boy's sentence in the reformatory, under any law within the legislative jurisdiction of this Province, shall expire on a Sunday, he shall be discharged on the previous Saturday, unless he desires to remain until the Monday following. 43 V. c. 34, s. 34.

Boys not to be discharged on Sunday.

35. No boy shall be discharged from the reformatory at the termination of his sentence, if then labouring under any contagious or infectious disease, or under any acute or dangerous illness, but he shall be permitted to remain in the reformatory until he recovers from such disease or illness: Provided that any boy remaining in the reformatory from any such cause shall be under the same discipline and control as if his sentence were still unexpired. 43 V. c. 34, s. 35.

Boys not to be discharged if labouring under certain diseases.

Proviso.

SCHEDULE.

(Section 8.)

ONTARIO REFORMATORY FOR BOYS.

RETURN MADE UNDER R. S. O., CAP. 241, SEC. 8, OF ⁷/₈ BOY IN GAOL
LIABLE TO TRANSFER TO THE REFORMATORY.

(~~At~~ A separate return to be made with each boy).

1. Name in full.
2. Age.
3. From what court sentenced.
4. Date of sentence.
5. Period and nature of sentence.
6. Place of residence.
7. Place of birth.
8. Name and post-office address of parents, guardian or other person with whom boy has been living.
9. Trade, occupation or calling of boy, if any.
10. Temperate or intemperate.
11. If married, state the fact.
12. Religious denomination.
13. Degree of education.
14. Offence.
15. Fine, if any.
16. Gaoler's opinion as to physical and mental condition of boy, and his fitness to perform ordinary work.

(Date of return.)

(Signature of Sheriff.)

43 V. c. 34, Sched. A.

CHAPTER 242.

An Act respecting the removal of persons from County Gaols to Provincial Institutions.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Appointment
of bailiffs.

1. The Lieutenant-Governor may appoint a bailiff or bailiffs' male or female, who shall be designated and known as provincial bailiffs, and who shall be employed for the purpose of conveying any person from time to time confined in any of the common gaols of the Province or other place of custody, and liable to be thence lawfully removed to any asylum or other institution for the insane in this Province, or to the Reformatory for Boys, or to the Andrew Mercer Ontario Reformatory for Females, or to the Industrial Refuge for Girls, and also in the performance of such other duties as may be assigned to him, her, or them by the Inspector of Prisons and Public Charities. 43 V. c. 35, s. 1.

Warrant for
removal.

2. Any bailiff so appointed may convey any person from the gaol or other place of custody to such one of the provincial institutions in the preceding section mentioned in which such person is lawfully directed to be confined, without any further authority than the warrant of the inspector of prisons and public charities under his official seal and in duplicate, and such person shall be received into such provincial institution and there detained subject to the rules, regulations and discipline thereof until legally entitled to be discharged therefrom. 43 V. c. 35, s. 2.

Powers of
bailiffs.

3. The bailiff, in the conveyance of such person as aforesaid to any of the provincial institutions hereinbefore mentioned, may secure and convey him through any county or district through which such bailiff may have to pass, and until such person has been delivered to and placed in such provincial institution, such bailiff shall have, in every part of this Province, the same power and authority over and with regard to such person, and to command the assistance of any person to prevent his escape, and in recapturing him in case of an escape, as the sheriff of the county in which he was convicted or confined would himself have in conveying him from one part to another of that county. 43 V. c. 35, s. 3.

Bailiffs to
give and take
receipts for
persons in
their charge.

4. The bailiff shall give one of the duplicates of the warrant and a receipt to the sheriff or gaoler for every person so liable to be removed from the gaol or other place of custody, and shall thereupon with all convenient speed convey and deliver up such

person with the other duplicate of the warrant to the superintendent or other official head of such provincial institution, who shall give his receipt in writing for every such person so received by him to such bailiff, as evidence of his discharge of duty, and every such person shall be kept in such provincial institution until legally discharged, or removed under competent authority. 43 V. c. 35, s. 4.

5. The county or other municipality, in which the gaol or other place of custody is located and from which such person may be removed by such bailiff as aforesaid, shall be liable to pay to the Treasurer of the Province, on demand, the expenses incurred in the removal and conveyance, as aforesaid, of each person, together with sixty per centum added thereto toward the salary or other remuneration of such bailiff: Payment by municipalities. Provided always that when gaols are maintained jointly by cities and counties, or in case of towns separated from counties, the county shall be held to be the municipality in which the gaol is located, and the cities or towns shall pay their just proportion of such salaries and expenses, and if not mutually agreed upon, the same shall be determined by arbitration as Proviso. provided by *The Municipal Act*. 43 V. c. 35, s. 5. Rev. Stat. c. 184.

CHAPTER 243.

An Act respecting the use of Spirituous Liquors in Gaols and Prisons.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. No license shall be granted for retailing spirituous liquors within any gaol or prison; and if any gaoler, keeper or officer of any gaol or prison, sells, lends, uses or gives away, or knowingly permits or suffers any spirituous liquors or strong waters to be sold, used, lent or given away in such gaol or prison, or to be brought into the same, other than such spirituous liquors or strong waters as may be prescribed by or given by the prescription and direction of a legally qualified medical practitioner, such gaoler, keeper or other officer shall, for every such offence, forfeit the sum of \$80, one moiety thereof to Her Majesty, for the public uses of the Province, and the other moiety, with full costs of suit, to the person who sues for the same in any of Her Majesty's Courts of Record in Ontario; and in case any gaoler or other officer, having been so convicted, No license to be granted for retailing spirituous liquors within gaols. Penalty

offends again in like manner, and is thereof a second time convicted, such second offence shall be a forfeiture of his office R. S. O. 1877, c. 219, s. 1.

Penalty on persons supplying spirits to a prisoner in gaol.

2. If any person gives, conveys or supplies to any prisoner confined in any common gaol or house of correction, any rum, brandy, whiskey, or other spirituous liquors, contrary to the rules and regulations from time to time established by law, such offender, being duly convicted thereof before two Justices of the Peace, shall be fined a sum not exceeding \$20. R. S. O. 1877, c. 219, s. 2.

CHAPTER 244.

An Act to provide for employing Prisoners without the walls of Common Gaols.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lieutenant-Governor may authorize employment of prisoners outside gaol.

1. The Lieutenant-Governor in Council may, from time to time, direct or authorize the employment upon any work or duty, the nature of which is specified in the Order in Council, beyond the limits of any common gaol, of any prisoner who is sentenced to be imprisoned with hard labour in such gaol under the authority of any Statute of Ontario, or for the breach of the by-laws of any municipal corporation in this Province. 48 V. c. 52, s. 1.

Discipline of gaol to be observed during employment.

2. Every such prisoner shall, during such employment, be subject to all the rules, regulations and discipline of the gaol so far as applicable, and to any regulations made by the Lieutenant-Governor in Council under section 8 of chapter 138 of the Revised Statutes of Canada or any Act thereby consolidated, for preventing escapes and preserving discipline. 41 V. c. 24, s. 2.

Supervision.

3. No such prisoner shall be so employed, save under the strictest care and supervision of officers appointed to that duty. 41 V. c. 24, s. 3.

Place of work to be deemed part of gaol.

4. Every street, highway or public thoroughfare of any kind along or across which prisoners may pass in going to or returning from their work, and every place where they may be employed under this Act, shall, while so used, be considered as a portion of the gaol for the purposes of this Act so far as the legislative authority of this Province extends in this behalf. 41 V. c. 24, s. 4.

5. An account shall be kept of the amount earned by the labour of prisoners imprisoned in any common gaol, and such amount shall be divided between the Province and the county in proportion to the amount contributed by them respectively towards the care and maintenance of the said prisoners; the division shall be made by such officer, or other person or persons, and at such times as the Lieutenant-Governor in Council shall direct. 41 V. c. 24, s. 5.

Application of
earnings of
prisoners.

6. In the case of a county in which a city or separated town is situate, the share of such earnings which the said city or town shall be entitled to receive from the county shall, in case the councils are unable to agree with respect thereto, be determined annually by arbitration, according to the provisions of *The Municipal Act*. 41 V. c. 24, s. 6.

Application of
earnings be-
tween county
and city or
towns.

Rev. Stat. c.
184.

CHAPTER 245.

An Act Respecting Lunatic Asylums and the Custody of Insane Persons.

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| INTERPRETATION, s. 1. | EXPENSES OF INQUIRIES AND CONVEY- ANCE TO ASYLUM, s. 37. |
| ASYLUMS VESTED IN THE CROWN, s. 2. | ESCAPE AND RE-COMMITTAL, ss. 38- 41. |
| DESIGNATION OF ASYLUMS, s. 3. | MAINTENANCE OF LUNATICS, ss. 42- 48. |
| OFFICERS, ss. 4-6. | POWERS OF INSPECTOR : |
| ADMISSIONS TO ASYLUM, ss. 7-9. | To sue for maintenance, s. 47. |
| REMOVAL OF PATIENT NOT TO AF- FECT AGREEMENT FOR MAINTEN- ANCE, s. 10. | To take control of property, ss. 48-52. |
| DESTITUTE INSANE, s. 11. | To act as Committee, ss. 53-57. |
| COMMITTAL OF DANGEROUS LUNATICS, ss. 12-25. | Liability to account, s. 58. |
| Inquiry as to property, etc., of lunatic, ss. 19-24. | Disputes how settled, s. 59. |
| REMOVAL OF PRISONERS FROM GAOL TO ASYLUM, s. 26. | Costs of Inspector, s. 60. |
| Inquiry and examination, ss. 27- 29. | Moneys in Court payable to in- spector, s. 61. |
| DISCHARGE, ss. 30-32. | Power to make special orders as to comfort of lunatic. s. 62. |
| REMOVAL TO ASYLUM, ss. 33-35. | Power as to property of insane persons detained in gaol, ss. 63- 65. |
| REMOVAL TO COUNTRY FROM WHICH PERSON CAME, s. 36. | |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Interpreta-
tion—

1. Where the words following occur in this Act, or in the schedules thereto, they shall be construed in the manner herein-after mentioned unless a contrary intention appears ;

“Inspector.”
Rev.Stat. c.
250.

1. “Inspector” shall mean the inspector of prisons and public charities, appointed under *The Prison and Asylum Inspection Act*.

“Lunatic.”

2. “Lunatic” shall mean any insane person, whether found so by inquisition or not.

“Father.”

3 “Father” shall include any husband of the lunatic’s mother, and “mother” shall include any wife of the lunatic’s father ; provided, in either case, that the birth of such lunatic was legitimate. R. S. O. 1877, c. 220, s. 1.

“Mother.”

Certain Asy-
lums vested in
the Crown.

2. The asylums for the insane at Toronto, London, Kingston, Hamilton and Orillia, and any other public asylum established or acquired under any grant from the Legislature of this Province, for the custody and treatment of insane persons, and all the property and effects, real and personal belonging thereto, shall be vested in the Crown. R. S. O. 1877, c. 220, ss. 2, 4.

Designation
of asylums.

3. Such asylums shall be called “The Asylum for the Insane, Toronto,” or “The Asylum for the Insane, London,” or elsewhere, according to the fact. R. S. O. 1877, c. 220, s. 3.

OFFICERS.

Medical super-
intendent,
appointment
and duties of.

4. The Lieutenant-Governor may from time to time appoint in each asylum a medical superintendent, who shall—

1. Direct and control the medical and moral treatment of the patients ;

2. Hire and discharge from time to time the attendants and servants ;

3. Watch over the internal management, and maintain the discipline and due observance of the by-laws of the institution ;

4. Report the condition thereof to the inspector of prisons and public charities at each visit ;

5. Annually report to the inspector upon the affairs of the institution, with such suggestions as may in his opinion tend to the improvement of the asylum. R. S. O. 1877, c. 220, s. 5

The Bursar,
appointment
and duties of.

5. The financial business and affairs of each of the said asylums shall be conducted by an officer to be appointed from time to time by the Lieutenant-Governor, to be called “The Bursar,” who shall—

1. Report the state of the income and expenditure of the asylum to the inspector quarterly, and to the medical superintendent monthly ;

2. Perform such other duties as may be assigned to him under any rules or regulations in force respecting such asylum, and in accordance with the direction of the inspector. R. S. O. 1877, c. 220, s. 6.

6. The salaries of the medical superintendent and bursar, shall be such amounts as may be appropriated by the Legislature therefor. R. S. O. 1877, c. 220, s. 7; 41 V. c. 2, s. 39. Sched. B. Salary of Superintendent and Bursar.

ADMISSIONS.

7. No person shall be admitted into any of the said asylums as a lunatic (except upon an order of the Lieutenant-Governor) without the certificates (Form A) of two medical practitioners, each attested by the signatures of two subscribing witnesses, and bearing date within three months of the time of such admission. R. S. O. 1877, c. 220, s. 8; 45 V. c. 32, s. 3. No admission without order of Lieutenant-Governor or certificates of two doctors.

8. Every such certificate shall state that the medical practitioner signing the same personally examined the patient separately from any other medical practitioner, and after due inquiry into all necessary facts relating to the case of the patient, found him to be insane; and the medical practitioner so certifying shall also, in the certificate, specify the facts upon which he has formed his opinion that the person to whom the certificate relates is insane, and he shall therein distinguish the facts observed by himself from facts communicated to him by others. R. S. O. 1877, c. 220, s. 9. Contents of certificates.

9. The certificate shall be a sufficient authority to any person to convey the lunatic to any of the said asylums, and to the authorities thereof to detain him therein, or to the authorities of any other asylum to which the lunatic may have been or may be removed by the order of the inspector of prisons and public charities to detain him in such asylum as long as he continues to be insane. R. S. O. 1877, c. 220, s. 10. Effect of certificates as authority to detain.

10. Where any obligation or agreement has been or may be entered into with the bursar of an asylum, or with Her Majesty, to secure the payment of the charges for the maintenance of any patient in an asylum, or to secure the payment of part thereof, such obligation and agreement shall be and continue in force and binding, and the parties thereto shall be and continue liable for the maintenance or partial maintenance of the patient, so long as he is maintained in a provincial asylum, notwithstanding his removal to an asylum different from that named in the obligation or agreement: but where the obligation or agreement is for a limited period of time, nothing herein contained shall be construed to extend the liability beyond the period limited. R. S. O. 1877, c. 220, s. 11. Agreements for maintenance of patients to continue in force notwithstanding a removal to a different asylum.

Examination
of destitute
insane
persons.

11.—(1) In any municipality within the Province of Ontario, where an insane person is in destitute circumstances, and is a fit subject for asylum treatment, application may be made to the head of the municipality for an examination to be made and certificates given, in accordance with sections 7, 8 and 9, of this Act, and the head of the municipality, if satisfied that the insane person is in destitute circumstances, shall, immediately after receiving the application, notify two medical practitioners to make the required examination. 45 V. c. 32, s. 1.

Payment of
expenses of
examination,
etc.

(2) The council of the municipality shall pay the medical practitioners for the examination and certificate a sum not exceeding \$5 each, and twenty cents for each mile necessarily travelled, and shall also pay the necessary expenses incurred in conveying such insane person or persons to one of the provincial lunatic asylums; said sum to be reimbursed to the municipality by the county, where the municipality is a part of the county. 45 V. c. 32, s. 2.

COMMITTAL OF DANGEROUS LUNATICS.

Justice may
issue warrant
to apprehend
person be-
lieved to be in-
sane and
dangerous to
be at large.

12. Where an information is laid before any of Her Majesty's Justices of the Peace for any territorial division that any person, being within the limits of the jurisdiction of such Justice, is, or is suspected and believed by the person laying the information to be insane and dangerous to be at large, and has exhibited a purpose of committing some crime for which, if committed, such person would be liable to be indicted, such Justice may issue his warrant to apprehend such person and to cause him to be brought before such Justice or any other Justice for the same territorial division. R. S. O. 1877, c. 220, s. 12.

Warrant to
apprehend
form of.

13. Every such warrant (Form B) shall be under the hand and seal of the Justice issuing the same, and may be directed to all or any of the constables or other peace officers of the territorial division within which the Justice issuing the same has jurisdiction, and shall name or otherwise describe the person against whom the information has been laid; and shall state that information has been laid on oath that such person is insane and dangerous to be at large; and the warrant shall order the person or persons to whom it is directed to apprehend the person against whom the information has been laid and to bring him before the Justice issuing the warrant, or before some other Justice of the Peace for the territorial division, in order that inquiry may be made respecting the sanity of such person, and that he may be further dealt with according to law. R. S. O. 1877, c. 220, s. 13.

Proceedings
on apprehen-
sion.

14. Where the person alleged to be insane has been apprehended under the warrant, he shall be brought before the same Justice of the Peace, or some other Justice for the same terri-

torial division, and the Justice may thereupon by his warrant (Form C) commit the said alleged insane person to the common gaol or other prison, or if the Justice thinks fit, to the custody of the constable or other person who apprehended him, or to such other safe custody as the Justice deems fit; and he shall in such case order the person apprehended to be brought up at a certain time or place before the Justice of which order the informant shall have due notice; or the Justice may, if he considers fitting, proceed forthwith to hear the matter as in the next section directed; but no committal under this section shall be for a longer period than three days. R. S. O. 1877, c. 220, s. 14.

Warrant of committal.

15. Upon the day so appointed the said Justice shall proceed to hear such evidence under oath as may be adduced with reference to the alleged insanity of the prisoner, and shall then or previously direct inquiry to be made as to the friends and relatives of the prisoner in order that the evidence of some person or persons who is or are acquainted with the family and previous habits of the prisoner may be had before the committal of the prisoner to custody as an insane person is directed. R. S. O. 1877, c. 220, s. 15.

Hearing of evidence; inquiry among friends, etc.

16. The Justice may from time to time adjourn the inquiry, and again commit for safe custody until proper inquiry is made as herein directed. R. S. O. 1877, c. 220, s. 16.

Adjournment of inquiry.

17. If after reasonable inquiry has been made by the Justice he is satisfied that the prisoner is insane and dangerous to be at large, the Justice shall commit (Form D) the prisoner to the common gaol of the territorial division, there to remain until the pleasure of the Lieutenant-Governor is known, or until the prisoner is discharged by law. R. S. O. 1877, c. 220, s. 17.

Committal on finding of insanity.

18. In case it appears to the Justice that the prisoner is not insane, or is not dangerous to be at large, then the Justice shall forthwith discharge such person. R. S. O. 1877, c. 220, s. 18.

Discharge as not insane.

19. If the Justice is satisfied that the person so apprehended as aforesaid is insane and dangerous to be at large it shall also be the duty of the Justice to make inquiry whether the prisoner is possessed of any and of what property, and where the same is situated, and also as to the number of persons (if any) who are dependent for support upon the prisoner, so that it may be ascertained whether the prisoner should be sustained as an insane pauper or not. R. S. O. 1877, c. 220, s. 19.

Inquiry as to property and dependents.

20. It shall also be the duty of the Justice upon the examination of the witnesses in respect to such alleged insanity, and the danger of permitting the person apprehended to be at

Justice to inquire as to matters in schedule 2.

large, to elicit as far as such Justice may be able, all information in respect to the matters set out in Schedule No. 2 to this Act. R. S. O. 1877, c. 220, s. 20.

If the Justice thinks inquiries would be less expensive in the County Town, to certify accordingly.

21. If, in the opinion of the Justice, it will be much less expensive to make the inquiries directed in the preceding two sections in the county town, or in case he finds that the persons whom it is necessary to examine in order to obtain the information desired live at a considerable distance, the Justice may, in lieu of making said inquiries, certify such fact or facts, and the Justice shall in such case be excused from making such inquiries. R. S. O. 1877, c. 220, s. 21.

Certificates, etc., to be sent by Justice to the keeper of gaol, who shall transmit to Sheriff.

22. The Justice shall forthwith send, certified, to the keeper of the gaol to which the insane person is committed, the depositions taken before him, and also the certificate (if any) given under the preceding section, and the keeper of the gaol shall forthwith deliver the same to the sheriff. R. S. O. 1877, c. 220, s. 22.

Judge of County Court to make inquiries required by ss. 19 and 20.

23. The Judge of the County Court of the county, or the Deputy or Junior Judge, or if there is no Deputy or Junior Judge, and the said Judge of the County Court is absent from the county, or unable to act, then such other Justice of the Peace as may be requested by the County Court Judge to act in his stead in this behalf, shall as soon as conveniently may be, cause to be made such of the inquiries directed to be made by sections 19 and 20 of this Act as have not been previously fully made; and the County Crown Attorney shall cause to be summoned the witnesses required therefor; but should the Judge or other Justice find that such inquiries will be expensive, or that sufficient information has been obtained for the purposes of this Act by other means, then the Judge or Justice need not make the inquiries by this section directed. R. S. O. 1877, c. 220, s. 23.

When excused.

Controlling attendance of witnesses.

24. A Judge or Justice of the Peace acting in respect of any inquiry herein directed to be made, shall have the like authority for compelling the attendance of witnesses as a Justice would have under any Act in force respecting summary convictions, and may give directions to any constable or peace officer; and every constable and peace officer is hereby required to obey the same in like manner; and all the provisions of the said Acts as to procedure under the same shall, as nearly as may be, apply to proceedings under this Act, unless where different provisions are herein made. R. S. O. 1877, c. 220, s. 24.

Direction to peace officers.
Procedure.

Person committed to remain in gaol till removed or discharged.

25. Every person committed as an insane and dangerous person under this Act shall remain in confinement in the gaol mentioned in the warrant until he is thence removed to some asylum or other place of safe keeping by direction of the Lieu-

tenant-Governor, or until an order for his discharge is made by the Lieutenant-Governor, or until he is discharged under the provisions of section 30. R. S. O. 1877, c. 220, s. 25.

INSANE CONVICTS.

26. The Lieutenant-Governor upon such evidence of the insanity of any person imprisoned for an offence under the authority of any of the statutes of this Province, or imprisoned for safe custody, charged with such an offence as the Lieutenant-Governor considers sufficient, may order the removal of such insane person to an asylum for the insane; and such person shall remain there, or in such other asylum, or other place of safe keeping, as the Lieutenant-Governor may from time to time order, until his complete or partial recovery, or until other circumstances justifying his discharge from such asylum or place are certified to the satisfaction of the Lieutenant-Governor, who may then order such person back to imprisonment if then liable thereto, or otherwise to be discharged. R. S. O. 1877, c. 220, s. 26.

Removal of prisoners from gaols to asylums.

27. The Judge, Deputy or Junior Judge of the County Court of the county in the common gaol of which any person imprisoned for an offence is confined, and which person is, in the opinion of the gaol surgeon, insane, may, and if required by any regulations, approved by the Lieutenant-Governor in Council, made respecting the admission of patients into asylums for insane persons, shall, as soon as conveniently may be, cause to be made in respect of such prisoner inquiries similar to those directed to be made by sections 19 and 20 of this Act; and in case there is no Deputy or Junior Judge for any such County Court, and the Judge is absent from the county or is unable to act, then the said inquiries may be made by such Justice of the Peace as may be requested by the said County Court Judge to act in his stead in this behalf. R. S. O. 1877, c. 220, s. 27.

Inquiries as to property, etc., of a person in gaol.

28. The provisions of sections 23 and 24 of this Act shall apply to inquiries made under the preceding section. R. S. O. 1877, c. 220, s. 28.

Sections 23 and 24 to apply to examinations under s. 27.

29. Where the Judge of the County Court, or the Junior or Deputy Judge, or the Justices acting for such Judge, and the medical practitioners, upon making a personal examination of a person committed to gaol as insane, do not agree in opinion as to whether the person so committed is or is not insane, they, or any of them, may again examine such person and may grant a new certificate, if upon such further examination they change their opinion as to the mental condition of such person. 46 V. c. 30, s. 5.

Where examiners do not agree as to the mental state of a person committed as insane a second examination may be made.

DISCHARGE.

Discharge,
how obtained.

30. If the Judge of the County Court of the county, or the Deputy or Junior Judge, or if there is no such Deputy or Junior Judge, and the said County Court Judge is absent from the county or unable to act, then if such other two Justices of the Peace as may be authorized by the said Judge to act in his stead in this behalf certify (Form E) that he or they has or have personally examined a prisoner committed under the sections of this Act from 12 to 26 inclusive, and that he or they is or are satisfied that such prisoner is not insane, or that such prisoner, though insane, is not dangerous to be at large, and is not, in the opinion of such Judge or Justices, a proper person to be confined in an asylum for the insane, and if two medical practitioners (of whom the gaol surgeon shall be one), each separately from the other, personally examine the prisoner, and certify in like manner (Form F), then, in either of such cases, the prisoner shall be forthwith discharged by the keeper of the gaol in which the prisoner is confined. R. S. O. 1877, c. 220, s. 29.

Discharge of
person certi-
fied as insane
under s. 33.

31. Where the insanity of any person committed under the warrant of any Justice or Justices of the Peace to a gaol as insane, has been duly certified under section 33 of this Act, and the gaol surgeon afterwards certifies that such person has recovered and may be safely discharged, the sheriff shall direct the keeper of the gaol to discharge such person from custody under the said warrant, and such person shall be discharged accordingly. 46 V. c. 30, s. 6.

Discharge by
Lt.-Governor
or medical su-
perintendent.

32. Persons confined by virtue of this Act may be discharged by the Lieutenant-Governor or by the medical superintendent, under such regulations as may by the Lieutenant-Governor in Council be made in that behalf. R. S. O. 1877, c. 220, s. 35.

REMOVAL TO AN ASYLUM.

Certificate of
insanity by
Justices and
medical men,
committal
thereon to
asylum.

33.—(1) In case the said medical practitioners duly certify (Form G) that they have personally examined such prisoner as aforesaid, and that he is insane, and a proper person to be confined in an asylum for the insane, and in case the said examining Judge or Justices duly certify (Form H) that they have personally examined such prisoner as aforesaid, and that from such examination and from the evidence adduced before him or them, he or they is or are of opinion that the prisoner is insane and a proper person to be confined in an asylum for the insane, the Lieutenant-Governor, upon receipt of such certificates, may, through the Provincial Secretary, direct that the prisoner shall be removed to such asylum for the insane, or other place of safe custody, as may by the Lieutenant-Governor be deemed fit.

(2) Each medical practitioner signing a certificate under this section shall specify therein the facts upon which he has formed his opinion. R. S. O. 1877, c. 220, s. 30.

34. An order for the removal of any insane person, imprisoned or confined under any warrant or order of a Justice of the Peace, may be made by the Lieutenant-Governor, notwithstanding any irregularity or insufficiency in the warrant or order under which such person is imprisoned or confined. R. S. O. 1877, c. 220, s. 31.

Order for removal.

35. Every person so removed, as mentioned in section 33, or already removed, or in custody by authority of the Lieutenant-Governor, in any asylum for the insane, shall remain subject to the custody of the officers and other persons in charge of such asylum or other proper place to which such prisoner has been removed, or in which he is in custody by virtue of any like order, until the discharge of such prisoner is directed by the Lieutenant-Governor. R. S. O. 1877, c. 220, s. 32.

Custody of person committed to asylum, etc., till discharged.

36. Upon its appearing to the Lieutenant-Governor that any insane person confined as aforesaid in any gaol, or in any asylum for the insane, has come or been brought to this Province from some other Province or country, within thirty days prior to his committal to such gaol or asylum, or any other gaol or asylum, it shall be lawful for the Lieutenant-Governor, by his warrant, to authorize the removal of such insane person back to the Province or country from whence he has come or been brought, as aforesaid. R. S. O. 1877, c. 220, s. 33.

Lt.-Governor may in certain cases return an insane non-resident of Ontario to the country from whence he came.

37. The expenses of the inquiries directed by this Act to be made, and of conveying any insane person from any gaol to an asylum for the insane, shall be paid by the county, city or separate town in which the insane person has been apprehended; but if the insane person had not prior to his being apprehended resided in such county, city or separate town for the period of one year, but had resided for that period in some other county, city or separate town in this Province, then such expenses may be recovered back by the county, city or separate town in which the insane person was apprehended from the county, city or separate town in which the insane person had last resided for the period of a year; or if the insane person, although he had resided for the period of one year in the county, city or separate town in which he was apprehended, had since such residence been resident for the period of one year in some other county, city or separate town in this Province, then in like manner such expenses may be recovered by the county, city or separate town in which the insane person was apprehended from the county, city, or separate town in which the insane person last resided for the period of one year. R. S. O. 1877, c. 220, s. 34.

Expenses of inquiries, and conveyance to asylum, how to be borne.

ESCAPE AND RECOMMITTAL.

Apprehension
on escape from
asylum.

38. In case an inmate of an asylum for the insane escapes therefrom, it shall be lawful for any of the officers or servants of the asylum, or for any other person or persons, at the request of such officers or servants, or any of them, within forty-eight hours after such escape where no warrant has been issued, and within one month after such escape where a warrant (Form I,) has been issued by the medical superintendent in that behalf, to retake such escaped person, and to return him to the asylum from whence he escaped, and he shall remain in custody therein under the authority by virtue of which he was detained prior to the escape. R. S. O. 1877, c. 220, s. 36.

Medical super-
intendent of
asylum may
give over
patient to cus-
tody of his
friends.

39. In case the medical superintendent of any asylum considers it conducive to the recovery of any of the persons confined in the asylum that such person should be committed for a time to the custody of his friends, the medical superintendent may allow such person to return on trial to his friends, upon receiving a written undertaking by one or more of the friends of such person, that he or they will keep an oversight over such person. R. S. O. 1877, c. 220, s. 37.

Cases of im-
prisonment
for offences
excepted.

40. Nothing in the preceding section contained shall be construed to authorize the temporary discharge of any person who has been imprisoned for an offence, and the period of whose sentence has not expired. R. S. O. 1877, c. 120, s. 38.

Recommittal
to asylum
from custody
of friends.

41. In case, within six months from such temporary discharge on trial, the insane person again becomes dangerous to be at large, it shall be lawful for the medical superintendent by whom the insane person was so discharged, by his warrant (Form K) directed to any person or persons, or to any constable or peace officer, or to all constables or peace officers, to authorize and direct that such insane person be apprehended and brought back to the asylum from which he was temporarily discharged, and such warrant shall be an authority to any one acting thereunder to apprehend the person named therein and to bring him back to the said asylum. R. S. O. 1877, c. 220, s. 39.

MAINTENANCE OF LUNATICS.

Copy of certi-
ficate of ad-
mission, and
of amounts
required for
maintenance,
to be sent to
parents, etc.

42. Where a lunatic sent to any asylum is under the age of twenty-one years, and has a father or mother able to pay for his maintenance, or a guardian or committee, it shall be the duty of the bursar and medical superintendent to send a copy of the certificate mentioned in sections 7 to 9, or of the order of the Lieutenant-Governor (as the case may be), attested under their hands, to the father or mother, guardian or committee (as the case may be) of the lunatic, to which copy the said medical superintendent and bursar shall subscribe a certificate

of the admission of the lunatic, and of the amount which will become due for him, each quarter, to the asylum, by the regulations of the asylum made in that behalf. R. S. O. 1877, c. 220, s. 40.

43. It shall be lawful for the bursar, conjointly with the medical superintendent, on the 1st day of each of the months of January, April, July and October, and during the time the lunatic remains in the asylum, to demand from the father or mother, guardian or committee (as the case may be) of the lunatic, such sum as may be due for the lunatic to the asylum, which sum shall be forthwith paid on such demand. R. S. O. 1877, c. 220, s. 41.

Liability for maintenance of lunatic.

44. On the first of the said quarter days after the admission of the lunatic, the demand shall be for a sum proportionate to the broken period elapsed since the admission of the lunatic, and on the discharge of the lunatic a like demand shall be made for the sum due for the broken period since the then last quarter day. R. S. O. 1877, c. 220, s. 42.

Proportion for broken periods of a quarter.

45. In case of refusal or neglect to pay the same, the said bursar may apply to the County Judge of the county in which the father or mother, guardian or committee, resides, upon affidavit, and if the Judge, on the return of a rule which he shall make upon the proper party, to shew cause, is satisfied that the father or mother of the lunatic is able to pay for his maintenance as aforesaid, or that the guardian or committee is able to pay for the same out of property in his possession belonging to the lunatic, the bursar shall be entitled to an order for the payment of the amount then due and the costs, and a writ of execution may issue thereon in like manner as upon a judgment of the said Court for such amount. R. S. O. 1877, c. 220, s. 43.

Order for payment for maintenance.

46. The Judge, after hearing the parties and their witnesses under oath, either orally or in writing by affidavit, may make the order herein referred to, or if he thinks fit, may direct an issue to be made up and tried before a jury previous to making such order. R. S. O. 1877, c. 220, s. 44.

Judge may make an order for maintenance or direct an issue.

47. Any person who is confined in any asylum for the insane, and who has at the time that he is placed in confinement, or who subsequently thereto, comes into the possession of property, shall be liable for his maintenance while in such asylum; and any person whose wife is confined in any asylum for the insane shall be liable for her maintenance while confined therein; and the inspector of prisons and public charities may, by his name of office, recover the amounts owing in respect of such maintenance; but it shall not be the duty of the inspector to enforce payment in accordance with such liability, unless upon inquiry, regard being had to the claims

Maintenance, liability for.

Maintenance of married woman, liability of husband.

of persons having a moral or legal right to maintenance out of the estate of such insane person, the inspector considers that the claim for maintenance ought to be collected. R. S. O. 1877, c. 220, s. 45.

When property of a lunatic may be taken possession of to pay for maintenance.

48. If a lunatic, upon or at any time after his admission into any asylum, possesses or becomes possessed of or entitled to any real or personal property whereby the expenses of his maintenance in the asylum or any part thereof can be paid, and has no guardian or committee lawfully appointed to take the care or management of the same for the benefit of the lunatic, then if any sum due for the maintenance of the lunatic in the asylum is not paid on demand, or there is no one of whom it can be demanded, and such property, in the opinion of the inspector of prisons and public charities, is more than sufficient or is not required to maintain the family (if any) of the lunatic, the inspector may take possession of such property, or so much thereof as he thinks necessary to pay or to secure the payment of the sum due or to become due for the support and maintenance of the lunatic in the asylum, and he shall have full power over and be competent to manage and appropriate, take or recover possession of, lease, mortgage, sell and convey all or any part of such property in the name of the lunatic, or as his committee under this Act, as fully and effectually to all intents and purposes as the lunatic could or might if of full age and of sound and disposing mind; and notwithstanding the lunatic may have ceased to be an inmate of the asylum, or may have recovered or died, the inspector may complete any lease, mortgage, sale or conveyance in respect of which proceedings have been commenced while the lunatic was confined in the asylum; but no such lease, mortgage, sale or conveyance, shall take place without the concurrence of the Attorney-General of Ontario. R. S. O. 1877, c. 220, s. 46.

Inspector may exercise powers conferred by s. 48, where he deems expedient.

49. The inspector may exercise the powers by the next preceding section conferred upon him if he thinks it expedient so to do, notwithstanding the property of the insane person is not more than sufficient to maintain the family of the lunatic and notwithstanding by reason thereof it is not the intention of the Government to require payment for the maintenance of the lunatic. 43 V. c. 36, s. 3.

Payment by Inspector to family of insane person may be authorized.

50. Where any moneys or other property belonging to the estate of an insane person has been received by the inspector of prisons and public charities, as the statutory committee of such insane person, and the Lieutenant-Governor in Council does not think it fitting on account of the necessities of the family of such insane person to require from the estate of such insane person payment of the amount payable for maintenance, or which, except for the abatement made by such order, would afterwards become payable, the Lieutenant Governor in Council may by order authorize the inspector to pay

over to any member or members of the family of such insane person, or other person or persons dependent upon him, such amount or amounts as it may not be considered proper to claim in respect of his maintenance, and the inspector, as such committee, in respect of every amount so paid, shall be as fully discharged as if he had paid the same for the maintenance of the said insane person in the asylum in which he is or has been confined. 43 V. c. 36, s. 4.

51. Any gift, grant, alienation, conveyance or transfer of any real or personal property made by any person, after having been insane, shall be held to be fraudulent and void, as against the inspector of prisons and public charities, unless the same is made for full and valuable consideration actually paid, or sufficiently secured to such person, or unless the purchaser had no notice of the insanity. *R. S. O. 1877, c. 220, s. 47.*

Conveyances by insane persons void as against Inspector, unless for value or without notice.

52. If the inspector considers it necessary, in order to secure the payment of the maintenance of the lunatic, or for the interest of the estate of the said lunatic so to do, he may exercise his powers in section 48 given, or any of them, although no sum is overdue for such maintenance. *R. S. O. 1877, c. 220, s. 48.*

Inspector may deal with property, though nothing due for maintenance.

53.—(1) The inspector of prisons and public charities shall *ex officio*, and by his name of office, be the committee of every lunatic who has no other committee, and who is detained in any public asylum referred to in sections 2 and 3 of this Act, and whether the lunatic is detained under an order from the Lieutenant-Governor or otherwise.

Lunatics of whom the Inspector is the committee.

(2) The High Court may at any time appoint a committee of any such lunatic if such Court considers it expedient so to do, and upon such committee being appointed the inspector shall, while such other committee exercises such office, cease to be the committee of the lunatic, but the inspector upon delivering up the lunatic's estate shall retain so much thereof as may be required to pay any sums then due for maintenance. *R. S. O. 1877, c. 220, s. 49.*

High Court may appoint another committee.

54. Notwithstanding another committee may have been appointed by the High Court, every act of the inspector of prisons and public charities, as the committee of a lunatic or other insane person, shall be valid and binding upon the estate of such lunatic or other insane person, if done previously to a copy of the order appointing another committee, together with a notice of the persons who have been approved by the Court, as the sureties of such committee, being served upon the inspector. *R. S. O. 1877, c. 220, s. 50.*

When acts of the Inspector valid as against the committee appointed by the Court.

55. In case any action or other proceeding is brought against a person confined as insane in a public asylum for the insane, it shall not be sufficient in order to bind the estate

Proceedings against persons confined in public asylums.

of such insane person, or to make the proceedings otherwise valid, to serve any process, bill, paper or other document upon the inspector of prisons and public charities, although the inspector is named therein as committee, but the same proceedings shall and may be taken for the appointment of some person or persons to protect the interest of the insane person aforesaid in the action or other proceeding as would be requisite or might be taken if the said inspector was not the committee of the lunatic under this Act. 43 V. c. 36, s. 1.

Proceedings
by Inspector.

56. Nothing contained in this Act shall be construed to make it the duty of the inspector to institute proceedings on behalf of an insane person confined in any public asylum, or to intervene in respect of his estate, but the inspector may institute such proceedings and otherwise intervene in respect of the estate of an insane person confined as aforesaid, who has no other committee of his estate, wherever the inspector considers it expedient in the interest of the estate of the insane person, or necessary in order to secure in the manner least burdensome to the estate of the insane person, moneys due or to become due for his maintenance in an asylum. 43 V. c. 36, s. 2.

Powers of
Inspector as to
estate of de-
ceased in case
he is the com-
mittee at time
of death.

57. In case at the time of the death of an insane person the inspector of prisons and public charities is the committee of such insane person, the said inspector shall, until probate of the will or letters of administration of the estate of the insane person is granted to some other person or persons, and the grant notified to the inspector in writing, continue to have, and may, if he considers it requisite so to do, exercise by his name of office aforesaid the same powers in respect of the real and personal estate of the deceased as an executor and devisee would have in respect of the estate of his testator, in case the same were bequeathed and devised to him in trust for the payment of debts and the distribution of the residue. R. S. O. 1877, c. 220, s. 51.

Inspector
to render
accounts.

58. The inspector shall be liable to render an account as to the manner in which he has managed the property and effects of the lunatic, in the same way and subject to the same responsibilities as any trustee, guardian or committee duly appointed for a similar purpose may be called upon to account, but he shall only be liable for wilful misconduct. R. S. O. 1877, c. 220, s. 53.

Disputes as to
property, how
settled.

59. In all cases mentioned in the preceding eleven sections if doubt or opposition arises as to the right of property, it shall be lawful for the inspector or the person claiming the property to apply to the County Judge of the county in which the property is, to cause an inquisition to be held before such County Judge, and to try and determine, either by himself,

or by a jury when required by either party but not otherwise, the right of property, which such Judge shall accordingly do. R. S. O. 1877, c. 220, s. 54.

60. The costs, charges and expenses which the inspector may incur in respect of the estate of an insane person shall be the first charge upon any moneys coming into the hands of the inspector and belonging to such estate. Costs of Inspector a first charge on estate. 43 V. c. 36, s. 5.

61. The High Court shall, upon any application, made therefor by the inspector, direct to be paid to the inspector from time to time, out of any funds or moneys in Court belonging to the lunatic, the amount payable in respect to charges for maintenance of the lunatic. Moneys in Court may be paid to Inspector for maintenance. R. S. O. 1877, c. 220, s. 55.

62. In case the insanity of any lunatic confined in any of the asylums is of such a nature, and he is possessed of such property, real or personal, as would in the opinion of the medical superintendent justify the supply to the lunatic of greater comfort and attention than are supplied under the ordinary regulations of the asylum, it shall be lawful for the inspector to make any specific regulation in respect thereto as he may deem fitting. Inspector may make special order as to comfort of lunatic. R. S. O. 1877, c. 220, s. 56.

PROVISIONS RESPECTING THE PROPERTY OF INSANE PERSONS IN GAOLS.

63. The inspector of prisons and public charities shall, *ex officio*, and by his name of office, be the committee of the estate of every person, certified in the manner required by section 33 to be insane, who is detained in any gaol or other prison which is under the authority of the Government of this Province, if such person has no other committee lawfully appointed, whether such person has been committed to gaol under this Act, or has been committed for safe custody, or in default of sureties to keep the peace, or is imprisoned upon conviction for any offence, or otherwise howsoever. When inspector to be committee of person certified as insane under s. 33. 48 V. c. 51, s. 1.

64.—(1) The inspector shall have the same authority and power to take or recover possession of, lease, mortgage, sell and convey any property of any insane person of whom he is committee under the preceding section as he has with respect to the property of lunatics of whom he is committee under the other provisions of this Act, and he may, notwithstanding such insane person may have been discharged from gaol, or may have recovered or died, complete any lease, mortgage, sale or conveyance in respect of which proceedings have been commenced while such insane person was confined in gaol. Authority of inspector over property.

(2) No such lease, mortgage, sale or conveyance shall take place without the concurrence of the Attorney-General of Ontario. 48 V. c. 51, s. 2.

Application of
ss. 51, to 61.

65. Sections 54 to 61, inclusive, shall apply to the inspector in his dealings with any such estate referred to in the next preceding two sections and as committee thereof. 48 V. c. 51, s. 3.

SCHEDULE No. 1.

FORM A.

(Section 7.)

CERTIFICATE OF MEDICAL PRACTITIONER IN ORDINARY CASES.

I, the undersigned *C. D.* (*here set forth the qualification or degree of the person certifying: for example, Licentiate of the Medical Board; M.D. of the University of Toronto, etc.*), a legally qualified medical practitioner, residing and practising at _____, in the County of _____, hereby certify that I, on the _____ day of _____, A. D. 18____, at _____, in the County of _____, separately from any other medical practitioner, personally examined *A. B.*, of (*insert residence and profession or occupation, if any*), and after making due inquiry into all facts in connection with the case of the said *A. B.*, necessary to be inquired into in order to enable me to form a satisfactory opinion, I certify that the said *A. B.* is insane, and is a proper person to be confined in an asylum for the insane [*if the insane person is an idiot* ADD and that the said *A. B.* is an idiot,] and that I have formed this opinion upon the following grounds, namely:

1. Facts indicating insanity observed by myself (*here state the facts*).
2. Other facts (*if any*) indicating insanity, communicated to me by others (*here state the information, and from whom received*).

Signed this _____ day of _____, A. D. 18____, at _____, in the County of _____

Signed in presence of }
F. G. }
H. K. }

R. S. O. 1877, c. 220, Sched. No. 1, Form A.

FORM B.

(Section 13.)

WARRANT FOR APPREHENSION OF DANGEROUS LUNATIC.

Province of Ontario. }
 County of _____ }

To all or any of the Constables or other Peace Officers in the said County of _____

Whereas information upon oath has this day been laid before the undersigned, one (*or as the case may be*) of Her Majesty's Justices of the Peace in and for the said County of _____, that *A. B.* is insane, and dangerous to be at large :

These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said *A. B.* and bring him before me (*or us*), or some one or more of Her Majesty's Justices of the Peace in and for the said County, in order that inquiry may be made respecting the sanity of the said *A. B.*, and that he may be further dealt with according to law.

Given under my (*or our*) hand and seal this _____ day of _____, in the year of our Lord _____, at _____, in the County of _____

[L. S.]

R. S. O. 1877, c. 220, Sched. No. 1, Form B.

FORM C.

(Section 14.)

WARRANT OF COMMITTAL FOR SAFE CUSTODY PENDING INQUIRY.

Province of Ontario, }
County of _____ }

To all or any of the Constables or Peace Officers in the County of _____, and to the keeper of the Common Gaol (*or Lock-up House*) at _____.

Whereas on the _____ day of _____ last past, information upon oath was laid before me (*or us*), one (*or as the case may be*) of Her Majesty's Justices of the Peace in and for the said County of _____, that *A. B.* is insane, and dangerous to be at large ; and whereas the hearing of the same is adjourned to the _____ day of _____, at _____ o'clock in the (*fore*) noon, at _____, and it is necessary that the said *A. B.* should in the meantime be kept in safe custody :

These are therefore to command you or any of you, the said Constables or Peace Officers, in Her Majesty's name, forthwith to convey the said *A. B.* to the Common Gaol (*or Lock-up House*) at _____, and there deliver him to the custody of the keeper thereof, together with this precept : And I hereby require you the said keeper to receive the said *A. B.* into your custody in the said Common Gaol (*or Lock-up House*), and there safely keep him until the _____ day of _____ (instant), when you are hereby required to convey and have him the said *A. B.* at the time and place to which the said hearing is so adjourned as aforesaid, before such Justice or Justices of the Peace for the said County as may then be there to make further inquiry respecting his sanity, and to be further dealt with according to law.

Given under my (*or our*) hand and seal this _____ day of _____ in the year of our Lord _____, at _____, in the County aforesaid.

[L. S.]

R. S. O. 1877, c. 220, Schéd. No. 1, Form C.

FORM D.

(Section 17).

FINAL WARRANT OF COMMITTAL.

Province of Ontario, {
County of {

To all or any of the Constables or other Peace Officers in the County of
, and to the keeper of the Common Gaol of the County of
, at , in the county aforesaid.

Whereas information was laid before me (or us), one (or as the case may be) of Her Majesty's Justices of the Peace for the said County of , on the oath of , that *A. B.* was insane and dangerous to be at large : and whereas inquiry has been made by me (or us) respecting the sanity of the said *A. B.* : and whereas I (or we) have found and adjudged the said *A. B.* to be insane and dangerous to be at large :

These are therefore to command you, the said Constables or other Peace Officers, or any of you, to take the said *A. B.* and him safely convey to the Common Gaol at aforesaid, and there deliver him to the keeper thereof, together with this precept ; and I do hereby command you, the keeper of the said Common Gaol, to receive the said *A. B.* into your custody in the said Common Gaol, and there safely keep him until the pleasure of the Lieutenant-Governor be known, or until he be discharged by law.

Given under my or our hand and seal this day of
in the year of our Lord 18 , at , in the county aforesaid.
[L. S].

R. S. O. 1877. c. 220. Sched. No. 1. Form D.

FORM E.

(Section 30.)

CERTIFICATE OF JUDGE OR JUSTICE WHEN PRISONER IS NOT FIT FOR AN ASYLUM.

Province of Ontario, {
County of {

I, the undersigned *C. D.*, Judge of the County Court of the County of (or, we *E. F.* and *G. H.*, Esquires, two of Her Majesty's Justices of the Peace for the County of , who have been requested by *C. D.*, Esquire, Judge of the County Court of the said County, to act in his stead in this matter) do hereby certify that I (or we) have on this day of , A. D. 18 , personally examined *A. B.*, an inmate of the Gaol of the said County of , and I (or we) do hereby further certify that I am (or we are) satisfied that the said *A. B.* is not insane (or, that the said *A. B.*, though insane is not dangerous to be at large) ; and is not in my (or our) opinion a fit person to be confined in an Asylum for the Insane.

Signed this day of , A. D. 18 , at , in the County of .

R. S. O. 1877, c. 220, Sched. No. 1, Form E.

FORM F.

(Section 30.)

CERTIFICATE OF MEDICAL PRACTITIONER WHERE PRISONER IS NOT FIT FOR AN ASYLUM.

I, the undersigned *C. D.* (*here set forth the qualification or degree of the person certifying: for example, Licentiate of the Medical Board; M. D. of the University of Toronto, etc.*), a legally qualified medical practitioner, residing and practising at _____, in the County of _____, do hereby certify that I, on the _____ day of _____, A.D. 18____, at _____, in the County of _____, separately from any other medical practitioner, personally examined *A. B.*, an inmate of the Common Gaol of the County of _____, and I further certify that I am satisfied that the said *A. B.* is not insane (*or that the said A. B., though insane, is not dangerous to be at large*), and is not in my opinion a fit person to be confined in an Asylum for the Insane.

Signed this _____ day of _____, A.D. 18____, at _____, in the County of _____.

R. S. O. 1877, c. 220, Sched. No. 1, Form F.

FORM G.

(Section 33.)

CERTIFICATE OF MEDICAL PRACTITIONER WHERE PRISONER IS INSANE.

I, the undersigned *C. D.* (*here set forth the qualification or degree of the person certifying: for example, Licentiate of the Medical Board; M. D. of the University of Toronto, etc.*), a legally qualified medical practitioner, residing and practising at _____, in the County of _____, do hereby certify that I, on the _____ day of _____, A.D. 18____, at _____, in the County of _____, separately from any other medical practitioner, personally examined *A. B.*, an inmate of the Common Gaol of the County of _____, and I further certify that the said *A. B.* is insane, and is a proper person to be confined in an Asylum for the Insane; and that I have formed this opinion upon the following grounds, namely: (*here state the facts upon which the certificate is based.*)

Signed this _____ day of _____, A.D. 18____, at _____, in the County of _____.

R. S. O. 1877, c. 220, Sched. No. 1, Form G.

FORM H.

(Section 33.)

CERTIFICATE OF JUDGE OR JUSTICE WHEN PRISONER IS INSANE.

Province of Ontario, }
County of _____ }

I, the undersigned *C. D.*, Judge of the County Court of the County of _____ (*or we E. F. and G. H., Esquires, two of Her Majesty's Justices of the Peace for the County of _____*), who have been re-

quested by *C. D.*, Esquire, Judge of the County Court of the said County, to act in his stead in this matter), do hereby certify that I (*or we*) have on this _____ day of _____, A.D. 18____, personally examined *A. B.*, an inmate of the Gaol for the said County of _____, and I (*or we*) do hereby further certify that from such personal examination, and from the evidence adduced thereon, I (*or we*) am (*or are*) of opinion that the said *A. B.* is insane, and that the said *A. B.* is a proper person to be confined in an Asylum for the Insane.

Signed this _____ day of _____, A.D. 18____, at _____, in the County of _____.

R. S. O. 1877, c. 220, Sched. No. 1, Form H.

FORM I.

(Section 38.)

WARRANT TO RETAKE ESCAPED PATIENT.

To _____ Asylum for the Insane at _____, and all or any of the Constables or Peace Officers in the County of _____

Whereas on the _____ day of _____ last past, being within one month from this date, *A. B.*, an insane person confined in the Asylum for the Insane at _____, of which I (*name*) am Medical Superintendent, did escape from the said Asylum :

These are therefore to command you or any of you the said Constables or Peace Officers, in Her Majesty's name, to retake the said *A. B.*, and safely convey him to this Asylum and deliver him into my charge.

Given under my hand and seal this _____ day of _____, at _____ in the year of our Lord _____, in the County aforesaid.

[L. S.]

R. S. O. 1877, c. 220, Sched. No. 1, Form I.

FORM K.

(Section 41).

WARRANT TO RETAKE PROBATIONARY PATIENTS.

To _____ Asylum for the Insane at _____, and all or any of the Constables or Peace Officers in the County of _____

Whereas on the _____ day of _____ last past, being within six months of this date, *A. B.*, an insane person confined in the Asylum for the Insane at _____, was allowed by me, *C. D.*, the Medical Superintendent of the said Asylum, to return on trial to the care of his friends ; and whereas it appears to me from information received by me, that the said *A. B.* has again become dangerous :

These are therefore to command you or any of you the said Constables or Peace Officers, in Her Majesty's name, to retake the said *A. B.*, and safely convey him to this Asylum and deliver him into my charge.

Given under my hand and seal this day of , in the
year of our Lord , at , in the County aforesaid.

[L. S.]

R. S. O. 1877, c. 220, Sched. No. 1, Form K.

SCHEDULE No. 2.

INFORMATION TO BE ELICITED UPON INQUIRY.

(Sections 19 and 20.)

1. The names in full and age of prisoner.
2. Occupation, religion and country.
3. Whether married or single; and if single, whether ever married.
4. How many children, if any.
5. Address of parents or nearest relatives; and in case of such relatives how connected.
6. How long prisoner has been insane.
7. Duration of the present attack, and whether the first.
8. How the insanity first shewed itself, and the supposed causes.
9. Whether any delusions, and if so, what they are.
10. Whether the prisoner is suicidal or dangerous to others.
11. Whether any offence has ever been committed by the prisoner, and whether the prisoner has been convicted of the same, with all particulars.
12. Whether the prisoner is subject to epilepsy or paralysis.
13. Whether any of the other members of the prisoner's family have suffered in a similar way, and whether the prisoner has ever been in an asylum, and if so when and where.
14. What have been the habits of the prisoner as to temperance, industry and general conduct, and in what manner they have changed—whether the change has been recent, gradual or sudden.
15. Whether the prisoner has been subject to any bodily ailments, and if so, their nature.
16. Degree of education of prisoner, and any other information that will in the opinion of the Justice or Justices aid the Medical Superintendent in the treatment of the case.
17. Whether the prisoner is idiotic, imbecile or incurable.
18. Whether the friends of the prisoner, or any of them, if such there be, are able to contribute to the maintenance of the prisoner while in an asylum, and which, if any, of such friends, and how much they, or any of them, can contribute.
19. The information required by section 19 of this Act.

R. S. O. 1877, c. 220, Sched. No. 2.

CHAPTER 246.

An Act respecting Private Lunatic Asylums.

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| INTERPRETATION, s. 1. | INSPECTION BY BOARD OF VISITORS, ss. 50-58. |
| LICENSE HOW OBTAINED, ss. 2-7. | DISCHARGE OF PATIENTS, ss. 59-67. |
| BOARD OF VISITORS, ss. 8-15. | INFORMATION TO BE GIVEN ON IN- QUIRY, s. 68. |
| REMOVAL OF SUPERINTENDENT, s. 16. | ORDER FOR ADMISSION, ss. 69-71. |
| FEES FOR LICENSES, ss. 17-19. | MISCELLANEOUS PROVISIONS, ss. 72-78. |
| ALTERATION OF LICENSED PREMISES, ss. 20, 21. | PROSECUTION AND PENALTIES, ss. 79- 86. |
| TRANSFER OF LICENSE, ss. 22, 23. | APPEALS, ss. 87, 88. |
| REMOVAL TO OTHER PREMISES, ss. 24, 25. | LIMITATION OF ACTIONS, s. 89. |
| REVOCATION OF LICENSE, ss. 26-28. | DEFENCE IN ACTIONS, ss. 90, 91. |
| ADMISSION OF PATIENTS, ss. 29-41. | PROSECUTIONS BY BOARD OF VISITORS, ss. 92-96. |
| PROCEDURE IN CASE OF ESCAPE, s. 42. | ADMISSION OF INEBRIATES, ss. 97-108. |
| PROCEDURE IN CASE OF REMOVAL OR DISCHARGE, ss. 43-44. | INSPECTION, s. 109. |
| REMEDY IN CASE OF ILLEGAL CON- FINEMENT, s. 45. | APPLICATION OF ACT, s. 110. |
| MEDICAL ATTENDANCE, ss. 46-49. | |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpreta-
tion.

1. Where the words following occur in this Act or in the schedules thereto they shall be construed in the manner hereinafter mentioned unless a contrary intention appears:

“Inspector,”
Rev. Stat. c.
250.

1. “Inspector” shall mean the inspector appointed under *The Prison and Asylum Inspection Act*.

“Private
Asylum.”

2. “Private Asylum” shall mean a house licensed under the provisions of this Act, and “house” and “licensed house” shall include a private asylum; 46 V. c. 28, s. 1.

“County.”

3. “County” shall mean a county or union of counties, or a city or town having a separate Commission of the Peace;

“Lunatic.”

4. “Lunatic” shall mean every insane person, and every person being an idiot or lunatic or of unsound mind;

“Patient.”

5. “Patient” shall mean every person received or detained as a lunatic, or taken care or charge of as a lunatic;

“Proprietor.”

6. “Proprietor” shall mean every person to whom any license is granted under the provisions of this Act, and every person keeping, owning or having any interest or exercising any duties or powers of a proprietor in any licensed house;

7. "Clerk of the Peace" shall mean every clerk of the Peace and person acting as such, and every deputy duly appointed; "Clerk of the Peace."

8. "Justice" shall mean a Justice of the Peace; "Justice."

9. "Medical Attendant" shall mean every physician who keeps any licensed house, or in his medical capacity attends any licensed house; "Medical Attendant."

10. "Physician" shall mean every person of the male sex authorized to practise medicine, surgery or midwifery in this Province; "Physician."

11. "Licensed house" shall mean a house licensed under the provisions of this Act. "Licensed House." R. S. O. 1877, c. 221, s. 1.

LICENSE, HOW OBTAINED, ETC.

2. When the proprietor of a private asylum desires to obtain a license for such private asylum under the provisions of this Act, he shall give notice thereof to the inspector. Proprietors of asylum desiring license to notify Inspector. 46 V. c. 28, s. 2.

3. The notice shall contain the true Christian name and surname, place of abode, and occupation of the person to whom the license is desired to be granted, and a true and full description of his estate or interest in such house; and in case the person to whom the license is desired to be granted, does not propose to reside himself in the licensed house, the notice shall contain the true Christian name and surname, place of abode and occupation of the superintendent who is to reside therein. Contents of notice. R. S. O. 1877, c. 221, s. 19.

4. The notice shall be accompanied by a plan of the house, drawn upon a scale of not less than one-eighth of an inch to a foot, with a description of— Plan of the house, etc.

1. The situation thereof; Its situation.

2. The length, breadth and height of, and a reference by a figure or letter, to every room and apartment therein; Size of room.

3. A statement of the quantity of land, not covered by any building, annexed to such house, and appropriated to the exclusive use, exercise and recreation of the patients proposed to be received therein; and Extent of grounds.

4. Also a statement of the number of patients proposed to be received into such house, and whether the license so applied for is for the reception of male or female patients, or of both, and if for the reception of both, of the number of each sex proposed to be received in such house, and of the means by which the one sex may be kept distinct and apart from the other. Number of patients provided for. R. S. O. 1877, c. 221, s. 20.

Time notice to
be sent to In-
spector.

5.—(1) The notice, with the plan and statement required by the next preceding section shall be sent to the inspector at least two weeks before the private asylum is ready for the reception of patients.

Inspector to
report to Lieu-
tenant-Gover-
nor.

(2) The inspector shall thereupon visit the proposed private asylum and minutely inspect the same, and report thereon to the Lieutenant-Governor in Council. 46 V. c. 28, s. 3.

License to
proprietors.

6. If the inspector reports that the buildings and premises referred to in the said notice are ready and fit for occupation as a private asylum for the insane, the Lieutenant-Governor in Council may issue a license to the proprietors to keep and maintain the same for the purposes of a private asylum; and such license shall continue in force until revoked by the Lieutenant-Governor in Council. 46 V. c. 28, s. 4.

Securities by
licensee.

7. No such license shall be granted unless the person to whom the license is granted enters into a bond to Her Majesty in the sum of \$400, with two sufficient sureties, each in the sum of \$200, or one sufficient surety in the sum of \$400, under the usual conditions for the good behaviour of such person during the time for which the license continues in force. R. S. O. 1877, c. 221, s. 23; 46 V. c. 28, s. 4.

BOARD OF VISITORS.

Board of
Visitors.

8.—(1) Every private asylum or house licensed under the provisions of this Act shall be under the supervision and inspection of a board of visitors, composed of the Judge (or in the case of his absence or disqualification the Junior or Deputy Judge) of the County Court of the county wherein the private asylum is located, the warden of the county for the time being, the clerk of the Peace for the county, together with a local physician, who shall be appointed by the Lieutenant-Governor in Council, and shall hold office for three years unless sooner removed by the Lieutenant-Governor.

Chairman.

(2) The Judge shall be the chairman of the board, and the clerk of the peace shall be its secretary.

Allowance to
secretary.

(3) The secretary shall be paid out of the license fees, or by the proprietors of the asylum, such allowance for his services as the Lieutenant-Governor in Council may direct. 46 V. c. 28, s. 5.

Visitors not to
have a pecu-
niary interest
in any asylum.

9.—(1) No member of the board of visitors shall be pecuniarily interested in any private asylum, either directly or indirectly and any visitor who, after his appointment, becomes interested in any private asylum, either by profits as proprietor, or by the sale of merchandise to such an asylum, or in any other way, shall thereupon become disqualified from acting, and shall not thereafter act in such capacity.

(2) In case a Judge or clerk of the peace is or becomes so disqualified, the Lieutenant-Governor may appoint some one to act in his stead; and in case a warden is or becomes so disqualified, the county council may appoint some one to act in his stead. 46 V. c. 28, s. 6.

Appointment
in case of dis-
qualification of
official visitor.

(3) If an assistant-secretary to any board after his appointment becomes so interested he shall be disqualified from acting, and shall cease to act in such capacity. R. S. O. 1877, c. 221, s. 16.

Assistant-
secretary be-
coming inter-
ested to be dis-
qualified.

10.—(1). The visitors shall, before acting, take an oath to the following effect:

Oath of visi-
tors.

“I A. B. do swear that I will discreetly, impartially and faithfully execute all the trusts and powers committed to me by virtue of the Act entitled *An Act respecting Private Lunatic Asylums*, and that I will keep secret all such matters as come to my knowledge in the execution of my office, except when required to divulge the same by legal authority, or so far as I feel myself called upon to do so for the better execution of the duty imposed upon me by the said Act.”

(2) The oath may be administered by any Justice of the Peace to the clerk of the peace, who may then administer the same to the other members of the board. 46 V. c. 28, s. 8.

By whom ad-
ministered.

11. The secretary shall summon the board of visitors to meet for the purpose of executing the duties of this Act. R. S. O. 1877, c. 221, s. 8; 46 V. c. 28, s. 5.

Meeting of
Visitors to be
called.

12. Every such appointment, summons and meeting shall be made and held as privately as may be, and in such manner that no proprietor, superintendent or person interested in or employed about or connected with any house to be visited, has notice of such intended visitation. R. S. O. 1877, c. 221, s. 9.

Visitors'
meetings to be
private.

13.—(1) If the secretary at any time, desires to employ an assistant in the execution of the duties of his office, he shall certify such desire, and the name of the proposed assistant to one of the other members of the board of visitors, being a Justice of the Peace, and if such member approves thereof, he shall administer the following oath to such assistant:

Assistant
Clerk.

“I, A. B., do solemnly swear that I will faithfully keep secret all such matters and things as come to my knowledge in consequence of my employment as assistant to the Secretary of the Board of Visitors, appointed for the County of *respecting Private Lunatic Asylums*, unless required by virtue of *The Act* to divulge the same by legal authority: So help me God.”

Oath of.

(2) The secretary may thereafter, at his own cost, employ such assistant. R. S. O. 1877, c. 221, s. 13.

At whose cost.

14. No physician being a member of the board of visitors shall sign any certificate for the admission of any patient into any licensed house or hospital, or shall professionally attend

Restrictions
upon physi-
cians being
visitors.

upon any patient in any licensed house or hospital unless he is directed to visit such patient by the person upon whose order such patient has been received into such licensed house or hospital, or by the Provincial Secretary, or one of the Judges of the High Court or by a committee appointed by one of the said Judges. R. S. O. 1877, c. 221, s. 15.

Penalty on
physicians.

15. If a physician, being a member of the board of visitors, signs a certificate for the admission of a patient into any licensed house or hospital, or professionally attends a patient in such house or hospital (except as aforesaid), such physician shall for each offence forfeit the sum of \$200. R. S. O. 1877, c. 221, s. 17.

Removal of Superintendent.

Removal of
Superinten-
dent.

16. Any person to whom a license is granted may remove the superintendent named in the notice, and may at any time appoint another superintendent, upon giving to the board of visitors a notice containing the true Christian name and surname, place of abode and occupation of the new superintendent. R. S. O. 1877, c. 221, s. 24.

Fees for Licenses.

Fees thereon.

17. For every license there shall be paid to the clerk of the peace, for every patient proposed to be received into such house, the sum of \$2; and if the total amount of such sums of \$2 does not amount to \$60, then so much more as together therewith will make up the sum of \$60, and no such license shall be delivered until the sum payable for the same has been paid. R. S. O. 1877, c. 221, s. 30.

Application
of fees.

18. All moneys to be received for licenses granted under this Act shall be applied towards the payment of the allowance to the secretary for his services and the discharge of the costs, charges and expenses incurred by or under the authority of the board of visitors, in the execution of or by virtue of this Act. R. S. O. 1877, c. 221, s. 32.

Clerk of the
Peace to keep
accounts of
moneys re-
ceived or ex-
pended.

19. The clerk of the peace shall keep an account of all moneys received and paid by him under or by virtue of or in the execution of this Act, and such accounts shall be made up to the last day of December in each year inclusively, and shall be signed by two at least of the members of the board of visitors. R. S. O. 1877, c. 221, s. 33.

ADDITIONS AND ALTERATIONS TO LICENSED PREMISES.

One license for
each house.

20. No one license shall include or extend to more than one house; but if there is any place or building detached from a

house to be licensed, but not separated therefrom by ground belonging to any other person, and if such place or building is specified, delineated and described in the notice, plan and statement hereinbefore required to be given, in the same manner in all particulars as if the same had formed part of such house, then such detached place or building may, if the Lieutenant-Governor in Council thinks fit, be included in the license for the house, and if so included, shall be considered part of such house for the purposes of this Act. R. S. O. 1877, c. 221, s. 25.

21. No addition or alteration shall be made to, in or about any licensed house, or the appurtenances, unless previous notice in writing of such proposed addition or alteration, accompanied with a plan thereof, to be drawn upon the scale aforesaid, and accompanied by such description as aforesaid, has been given to the inspector, by the person to whom the license has been granted, nor unless the approval of the Lieutenant-Governor in Council has been previously obtained. R. S. O. 1877, c. 221, s. 26.

Alterations in
asylums.

TRANSFERS AND REMOVALS.

22. If a person to whom a license has been granted under this Act, by sickness, or other sufficient reason, becomes incapable of keeping the licensed house, or dies before the expiration of the license, the Lieutenant-Governor in Council may authorize the transfer of the license, with all the privileges and obligations annexed thereto for the term then unexpired, to the person who at the time of such incapacity or death was the superintendent of such house, or had the care of the patients therein, or to such other person as the Lieutenant-Governor in Council may approve, and in the meantime the license shall remain in force, and have the same effect as if granted to the superintendent of the house. R. S. O. 1877, c. 221, s. 34; 46 V. c. 28, s. 9.

When license
assignable.

23. In case a license has been granted to two or more persons, and one or more of such persons die, leaving the other or others surviving, the license shall remain in force and have the same effect as if granted to the survivor or survivors. R. S. O. 1877, c. 221, s. 35.

Survivorship.

24.—(1) If a licensed house is pulled down or occupied under the provisions of any statute, or is by any *vis major*, or by fire, tempest or other accident, rendered unfit for the accommodation of lunatics or if the person keeping such house desires to transfer the patients to another house, the Lieutenant-Governor in Council, may grant to the person whose house has been so pulled down, occupied or rendered unfit as aforesaid, or who desires to transfer his patients as aforesaid, license to

Removal to
other
premises.

keep such other house for the reception of lunatics, for such time as the Lieutenant-Governor in Council thinks fit; but the same notice of such intended change of house, and the same plans and statements and descriptions of and as to such intended new house, shall be given as are required when application is first made for license for any house, and shall be accompanied by a statement in writing of the cause of such change of house. R. S. O. 1877, c. 221, s. 36, *part*; 46 V. c. 28, s. 4.

(2) A fee of \$4 shall be payable by the licensee to the clerk of the peace upon the issue of the license. R. S. O. 1877, c. 221, s. 36, *part*.

Notice of intended removal.

25. Except in cases in which the change of house is occasioned by fire or tempest, seven clear days' previous notice of the intended removal, shall be sent by the person to whom the license for keeping the original house was granted to the person who signed the order for the reception of each patient, or the person by whom the last payment on account of each patient had been made. R. S. O. 1877, c. 221, s. 36, *part*.

REVOCATION OF LICENSES.

Revocation of license.

26. In case a majority of the Justices of any county, in General Sessions assembled, resolve to recommend to the Lieutenant-Governor the revocation of any license granted under this Act, such Justices shall cause to be given to the person licensed, or to the resident superintendent of the licensed house, or to be left at the licensed house, seven clear days' previous notice in writing of the intended recommendation. R. S. O. 1877, c. 221, s. 37.

When the Lieutenant-Governor may revoke.

27. Upon the receipt of such recommendation the Lieutenant-Governor in Council may revoke such license; and in the case of a revocation, the same shall take effect at a period to be named in the Order in Council not exceeding two months from the time a copy or notice thereof has been published in the *Ontario Gazette*. R. S. O. 1877, c. 221, s. 38.

How revocation notified and promulgated.

28. A copy or notice of the Order in Council shall be transmitted to the person licensed or to the resident superintendent of, or be left at the licensed house, after which the same shall be published in the *Ontario Gazette*. R. S. O. 1877, c. 221, s. 39. *As to revocation on report of Inspector of Prisons and Public Charities, see Cap. 250, s. 18.*

ADMISSION OF PATIENTS.

Orders for admission of patient.

29. No person, whether being or represented to be a lunatic, or only a boarder or lodger, in respect of whom any money is received or agreed to be received for board, lodging or any

other accommodation, shall be received into or detained in any licensed house without an order under the hand of some person according to the form, and stating the particulars mentioned in Schedule A, nor without the medical certificates, according to the Form of Schedule B, of two physicians not being partners or brothers, or father and son, and each of whom separately from the other had personally examined the person to whom it relates not more than fifteen clear days previous to the reception of such person into such house, and each of whom signed and dated the certificate on the day on which such person was so examined. R. S. O. 1877, c. 221, s. 40; 48 V. c. 53, s. 4.

30. Every physician who signs such certificate shall specify therein that he has personally examined the person to whom the certificate relates, and that from such examination, and from the evidence adduced before him, he is of opinion that such person is a lunatic (or an insane person, or an idiot, or a person of unsound mind) and a proper person to be confined in an asylum, and shall also specify in the certificate the fact or facts and the evidence adduced before him which led to such opinion, and he shall therein distinguish the facts observed by himself from facts communicated to him by others. 49 V. c. 50, s. 1.

31. A medical superintendent of a private asylum may admit to and detain therein any patient from any Province of the Dominion of Canada, who is certified to be insane by two physicians duly authorized to practise as such in the Province where such patient has his domicile, provided such certificates of insanity are made in accordance with the requirements of section 29 and Schedule B therein mentioned, but any patient so admitted and detained in a private asylum from any other Province must, within fifteen days of such admission, be examined by one duly qualified physician of the Province of Ontario. 48 V. c. 53, s. 3.

32. No person shall receive to board and lodge in any house not licensed under this Act, or take the charge or care of any insane person without having first obtained the medical certificates required by this Act for the admission of an insane person into a licensed house. R. S. O. 1877, c. 221, s. 42.

33. Every person who receives to board or lodge in a house not licensed under this Act, or takes the care or charge of an insane person, shall within three months next after receiving such insane person into his house, or under his care, transmit to the secretary of the board of visitors of the county a copy of such medical certificates, sealed and endorsed *Private Return*, and every such person shall also (if the insane person continues in his house or under his care) on the 1st day of January, of every year, or within seven clear days there-

after, transmit to such secretary a certificate, signed by two physicians describing the then actual state of mind of such insane person, and endorsed *Private Return*, and all such private returns shall be preserved by the said secretary and shall be open to the inspection of the members of the board of visitors only. R. S. O. 1877, c. 221, s. 43.

When certificate of one physician sufficient.

34. Any person may, under special circumstances, be received into such house, upon such order with the certificate of one physician alone, provided the order states the special circumstances which prevented the person from being examined by two physicians; but in every such case another certificate shall be signed by some other physician, not connected with any house licensed as aforesaid, and who has specially examined such person within three days after his reception into such house. R. S. O. 1877, c. 221, s. 44.

When physician not allowed to certify.

35. No physician who, or whose father, brother, son or partner, is wholly or partly the proprietor of or a regular professional attendant in a licensed house, shall sign any certificate for the reception of a patient into such house; and no physician who, or whose father, brother, son or partner, signs the order hereinbefore required for the reception of a patient, shall sign any certificate for the reception of the same patient. R. S. O. 1877, c. 221, s. 45.

Penalty on physician giving false certificate maliciously.

36. Any physician who with express malice, or corruptly, signs any false certificate of insanity for the purpose of aiding to procure the confinement of any sane person in a private asylum shall, upon judgment being given against him in the High Court in an action for damages on account of such malicious or corrupt act, *ipso facto* be incapacitated from practising as a physician in Ontario for the period of five years thereafter, unless the Court shall see fit to remove such incapacity or shorten the limit thereof. The name of such physician shall, upon production of a certified copy of the judgment to the registrar of the College of Physicians and Surgeons of Ontario, be removed from the register, and shall not be restored thereto during such incapacity. 48 V. c. 53, s. 7.

Admission of person requiring treatment.

37. The medical superintendent of a private asylum may upon the written application of the person desiring admission, receive and detain therein as a patient, any person who though not insane, is desirous of submitting himself for the treatment of epilepsy, hysteria, chorea-amentia, or any nervine or physical ailment, provided that one physician certifies in writing that such patient is afflicted with epilepsy, hysteria, chorea-amentia, or some other nervine or physical ailment, and that there is a danger such ailment will develop into mental derangement unless it is properly treated, but no patient thus

voluntarily admitted shall be detained more than three days after he has given notice in writing to the medical superintendent of his or her intention or desire to leave such asylum. 48 V. c. 53, s. 5.

38. When a patient is received into a private asylum upon his own application, the medical superintendent shall give immediate notice of such reception to the secretary of the board of visitors, stating all the particulars of the case; and one or more members of the board or the secretary thereof shall forthwith visit such patient in order to verify the fact of such patient's having been admitted voluntarily: and all the facts in connection with such case shall be forthwith recorded in the visitors' book by the person making the inquiry. 48 V. c. 53, s. 6.

Notice of admission to be given to Board of Visitors.

39. Every proprietor or superintendent who receives a patient into a licensed house, shall, within two days after the reception of such patient, make an entry with respect to such patient in a book to be kept for that purpose, to be called "The Book of Admissions," according to the form and containing the particulars required in Schedule C, so far as he can ascertain the same, except as to the form of the mental disorder, and except also as to the discharge or death of the patient, which shall be made when the same happens; and every person who so receives such patient and does not, within two days thereafter, make such entry (except as aforesaid), shall forfeit a sum not exceeding \$10. R. S. O. 1877, c. 221, s. 46.

Books to be kept, and entries made therein.

40. The form of the mental disorder of every patient received into any licensed house, shall, within seven days after the reception, be entered in the said "Book of Admissions" by the medical attendant of the house; and every medical attendant who omits to make any such entry within the time aforesaid, shall, for every such omission, forfeit a sum not exceeding \$10. R. S. O. 1877, c. 221, s. 47.

The form of mental disorder to be entered.

Under penalty.

41. The proprietor or resident superintendent of every licensed house shall, after two clear days, and before the expiration of seven clear days from the day on which any patient has been received into the house, transmit to the secretary of the board of visitors within whose jurisdiction the house is situate, a copy of the order and medical certificates or certificate on which the patient has been received, and also a notice and statement according to the form of Schedule D. R. S. O. 1877, c. 221, s. 48.

Copy of order to be sent by proprietor to Secretary of Visitors.

42. When a patient has escaped from a licensed house, the proprietor or superintendent of the house shall, within two clear days next after the escape, transmit a written notice

In cases of escape, what steps to be taken.

Under penalty.

thereof to the secretary of the board of visitors within whose jurisdiction the house is situate; and the notice shall state the Christian name and surname of the patient who so escaped, and his or her then state of mind, and also the circumstances connected with the escape; and if the patient is brought back to such house, the proprietor or resident superintendent shall within two clear days after the patient has been brought back, transmit a written notice thereof to the secretary; and the notice shall state when the patient was so brought back, and the circumstances connected therewith, and whether with or without a fresh order and certificates or certificate, and every proprietor or resident superintendent omitting to transmit such notice whether of escape or of return, shall for every such omission forfeit a sum of \$40. R. S. O. 1877, c. 221, s. 49.

REMOVAL, DISCHARGE, DEATH, ETC.

Removal, discharge, etc., to be entered.

43. When a patient is removed or discharged from a licensed house, or dies therein, the proprietor or superintendent of the house shall, within two clear days next after such removal, discharge or death, make an entry thereof in a book to be kept for that purpose, according to the form and stating the particulars in Schedule E to this Act, and shall also within the same two days transmit a written notice thereof, and also of the cause of the death, removal or discharge of the patient, if known to the secretary of the board of visitors in whose jurisdiction the house is situate, according to the form, and containing the particulars in Schedule F to this Act. R. S. O. 1877, c. 221, s. 50.

And notice given.

Certificate required in case of death.

44. In case of the death of a patient in a licensed house, a statement of the cause of the death of the patient, with the name of any person present at the death, shall be forthwith drawn up and signed by the medical attendant of the house, and a copy thereof, duly certified by the proprietor or superintendent of such house, shall, within forty-eight hours after the death of the patient, be by such proprietor or superintendent transmitted to the nearest coroner, and also to the secretary of the board of visitors in whose jurisdiction the house is situate, and also to the person who signed the order for the patient's confinement, or if such person is dead or absent from the Province, then to the person who made the last payment on account of the patient, and every medical attendant, proprietor or superintendent who neglects or omits to draw up, sign, certify, or transmit such statement as aforesaid, shall, for every such neglect or omission, forfeit and pay a sum of not exceeding \$200. R. S. O. 1877, c. 221, s. 51.

Under penalty.

Penalty for illegal confinement.

45. In case any person released from confinement in any licensed house considers himself to have been unjustly confined, the secretary of the board of visitors within whose juris-

diction the house is situate shall at his request, furnish to him, or to his solicitor, without fee or reward, a copy of the certificates and order upon which he has been confined; and the Lieutenant-Governor may cause to be prosecuted on the part of the Crown, any person who has been concerned in the unlawful taking of any of Her Majesty's subjects as an insane patient, and likewise any person who has been concerned in the neglect or ill-treatment of any patient or persons so confined. R. S. O. 1877, c. 221, s. 52.

MEDICAL ATTENDANCE.

46. In every house licensed for one hundred patients or more, there shall be a resident physician as the superintendent or medical attendant thereof; and every house licensed for less than one hundred, and more than fifty patients (in case such house is not kept by, or has not a resident physician), shall be visited daily by a physician, and every house licensed for less than fifty patients (in case such house is not kept by, or has not a resident physician) shall be visited twice in every week by a physician; but the board of visitors of any house may direct that such house shall be visited by a physician at any other time or times, not being oftener than once in every day. R. S. O. 1877, c. 221, s. 53.

Every house to have a resident or attendant physician.

47. Where a house is licensed to receive less than eleven lunatics, any two members of the board of visitors of such house, if they respectively think fit, may, by writing under their hands, permit the house to be visited by a physician at such intervals more distant than twice every week, as such visitors appoint, but not at a greater interval than once in every two weeks. R. S. O. 1877, c. 221, s. 54.

When a physician to visit, if less than eleven lunatics.

48. Every physician, in case there is only one, keeping or residing in or visiting any licensed house, and in case there are two or more physicians keeping or residing in or visiting any licensed house, then one at least of such physicians, shall once in every week (or, in the case of any house at which visits at more distant intervals than once a week are permitted then shall on every visit), enter and sign in a book to be kept at such house for that purpose, to be called "The Medical Visitation Book," a report shewing:

Entries to be made in "The Medical Visitation Book."

1. The date thereof;
2. The number, sex, and state of health of all the patients then in the house;
3. The Christian name and surname of every patient who has been under restraint, or in seclusion, or under medical treatment, since the date of the last preceding report;
4. The condition of the house, and every death, injury and act of violence which has happened to or affected any patient since the then last preceding report, according to the form in

Schedule H, and every such physician who omits to enter or sign such report, shall for every such omission forfeit and pay the sum of \$80. R. S. O. 1877, c. 221, s. 55.

A book to be kept called "The Case Book."

Entries.

Penalty.

49. There shall be kept in every licensed house a book to be called "The Case Book," in which the physician keeping or residing in or visiting such house shall from time to time make entries of the mental state and bodily condition of each patient, together with a correct description of the medicine and other remedies prescribed for the treatment of his disorder, and the board of visitors within whose jurisdiction any licensed house is situate may, whenever they see fit, by an order in writing, require the physician keeping or residing in or visiting such house, to transmit to them a correct copy of the entries or entry in the case book kept under the provisions of this Act relative to the case of any lunatic who is or has been confined in such house, and every physician who neglects to keep the said case book, or to enter therein the particulars of each patient's case, or to transmit a copy of any entry therein pursuant to any such order, shall for every such neglect forfeit a sum not exceeding \$40. R. S. O. 1877, c. 221, s. 56.

INSPECTION BY BOARD OF VISITORS.

Visitors to visit licensed houses.

50. Every licensed house within the jurisdiction of any board of visitors shall be visited by two at least of the members of the board (one of whom shall be a physician), four times at the least in every year. R. S. O. 1877, c. 221, s. 57.

Duties of, in making visits.

51. The visitors, when visiting any such house, shall inspect every part of the house, and every house, out-house, place and building communicating therewith, or detached therefrom but not separated by ground belonging to any other person, and every part of the ground and appurtenances held, used or occupied therewith, and shall see every patient then confined therein, and shall enquire whether any patient is under restraint, and why, and shall inspect the order and certificates or certificate for the reception of every patient who has been received into the house since the last visit of the visitors, and shall enter in the visitors' book a minute :

1. Of the then condition of the house, and of the patients therein ;
2. The number of patients under restraint, with the reasons thereof as stated ;
3. Such irregularity (if any) as exists in such order or certificate ;
4. Whether the previous suggestions (if any) of the visitors, have or have not been attended to ; and
5. Any observations which they deem proper as to any of the matters aforesaid, or otherwise. R. S. O. 1877, c. 221, s. 58.

52. The proprietor or superintendent of every licensed house shall shew to the visitors so visiting the same every part thereof and every person detained therein as a lunatic. R. S. O. 1877, c. 221, s. 59.

Duties of proprietor or superintendent towards the Visitors.

53. The visitors upon their several visitations to a licensed house shall inquire :

Inquiries to be made by the Visitors.

1. Where divine service is performed therein, to what number of the patients, and the effect thereof ;

2. What occupations or amusements are provided for the patients, and the result thereof ;

3. Whether there has been adopted any system of non-coercion, and if so, the result thereof ;

4. As to the classification of patients ;

5. And such other inquiries as to such visitors seem expedient. R. S. O. 1877, c. 221, s. 60.

54. Upon every visit of the visitors to a licensed house, there shall be laid before them by the proprietor or superintendent of the house :

What information to be laid before the Visitors.

1. A list of all the patients then in the house (distinguishing males from females, and specifying such as are deemed curable) ;

2. The several books by this Act required to be kept by the proprietor or superintendent, and by the medical attendant of a licensed house ;

3. All orders and certificates relating to patients admitted since the visitation of the visitors ;

4. The license then in force for such house ;

5. All such other orders, certificates, documents and papers relating to any of the patients at any time received into such house, as the visitors from time to time require to be produced to them ; and the visitors shall sign the said books as having been so produced. R. S. O. 1877, c. 221, s. 61.

55. There shall be hung up in some conspicuous part of every licensed house a copy of the plan sent to the inspector on applying for the license for such house ; and there shall be kept in every such house a Queen's Printer's copy of this Act, bound in a book, to be called "The Visitors' Book," and the said visitors shall at the time of their visitations enter in such book the result of the inspections and inquiries herein-before directed or authorized to be made by them, with such observations (if any) as they think proper ; and there shall also be kept in every such house a book, to be called "The Patients' Book," and the said visitors shall, at the times of their visitations, enter therein such observations as they think fit respecting the state of mind or body of any patient in such house. R. S. O. 1877, c. 221, s. 62.

Information to be hung up in every licensed house.

"The Visitors' Book."

"The Patients' Book."

Copies of
Visitors'
entries to be
sent to the
Secretary.

56.—(1) The proprietor or resident superintendent of every licensed house shall, within three days after every visit by the said visitors, transmit to the secretary of the visitors a true and perfect copy of the entries made by them in "The Visitors' Book," "The Patients' Book" and "The Medical Visitation Book" respectively, distinguishing the entries in the several books. R. S. O. 1877, c. 221, s. 63.

Report to be
made to
Inspector.

(2) The proprietor or resident superintendent of every licensed house shall, within five days after the admission of any lunatic, or of an insane or idiotic patient, or of a person of unsound mind, to such licensed house, report to the inspector of prisons and public charities for Ontario, the fact of such admission, together with copies of the certificates and papers upon which the patient was admitted, and shall at any and all times furnish to the inspector such other reports and information relative to any such patient or patients as may be required by him. 49 V. c. 50, s. 2.

Penalty on
proprietor
omitting.

57. Every proprietor or superintendent who omits to transmit to the secretary of the board of visitors a true and perfect copy of every such entry, shall, for every omission, forfeit a sum not exceeding \$40. R. S. O. 1877, c. 221, s. 65.

Nocturnal
visits.

58. Any two members of the board of visitors may visit and inspect a licensed house within their jurisdiction at such hour of the night as they think fit. R. S. O. 1877, c. 221, s. 66.

DISCHARGE OF PATIENTS.

Order for dis-
charge.

59. In case the person who signed the order on which a patient has been received into a licensed house, by writing, under his hand, directs the patient to be removed or discharged, such patient shall forthwith be removed or discharged accordingly. R. S. O. 1877, c. 221, s. 67.

If person who
signed the
order for ad-
mission be-
comes incapa-
ble, what to
be done.

60. If the person who signed the order upon which a patient has been received into a licensed house is incapable by reason of insanity or absence from the Province, or otherwise, of giving an order for the discharge or removal of the patient, or if such person is dead, then, the husband or wife of the patient, or if there is no such husband or wife, the father of the patient, and if there is no father, the mother of the patient, or if there is no mother, then any one of the nearest of kin for the time being of the patient, or the person who made the last payment on account of the patient, may, by writing under his or her hand, give such direction for the discharge or removal of the patient, and thereupon the patient shall be forthwith discharged or removed accordingly. R. S. O. 1877, c. 221, s. 68.

61. No patient shall be discharged or removed from a licensed house under any of the powers hereinbefore contained, if the physician by whom the same is kept, or who is the regular medical attendant thereof, by writing under his hand, certifies that in his opinion the patient is dangerous and unfit to be at large, together with the grounds on which such opinion is founded, unless the board of visitors of the house after such certificate has been produced to them, give their consent, in writing, to the discharge or removal of the patient. R. S. O. 1877, c. 221, s. 69.

What to be done if the physician in charge objects.

62. Nothing herein contained shall prevent any patient from being transferred from one licensed house to another licensed house, or to an asylum for the insane, but in such case every patient shall, for the purpose of such removal, be placed under the control of an attendant belonging to the licensed house to or from which he is about to be removed, and shall remain under such control until the removal has been duly effected. R. S. O. 1877, c. 221, s. 70.

Transfer from one house to another or to an asylum for the insane.

63. Any two or more members of the board of visitors of any licensed house, of whom one shall be a physician, may make special visits to any patient detained in such house, on such days and at such hours as they think fit; and if after two distinct and separate visits made by the same visitors it appears to them that the patient is detained without sufficient cause, they may order his discharge and the patient shall be discharged accordingly. R. S. O. 1877, c. 221, s. 71.

Special visits by Visitors and when they may order discharge of patients.

64. Every order by the visitors for the discharge of a patient from a licensed house shall be signed by them, and they shall not order the discharge of a patient from such house without having previously examined the medical attendant of the house, if he tenders himself for that purpose, as to his opinion respecting the fitness of the patient to be discharged. R. S. O. 1877, c. 221, s. 72.

To sign the orders, etc.

And examine medical attendant if required.

65. If the visitors, after examining the medical attendant, discharge a patient, and the medical attendant furnishes them with a statement in writing, containing his reasons against the discharge of the patient, they shall forthwith transmit such statement to the secretary of the board of visitors, to be kept and registered in a book for that purpose. R. S. O. 1877, c. 221, s. 73.

If physician in charge objects, what to be done.

66. Not less than seven days shall intervene between the first and second of such special visits, and the board of visitors shall, seven days previously to the second of such special visits, give notice thereof, either by post, or by an entry in "The Patients' Book," to the proprietor or superintendent of the licensed house in which the patient intended to be visited is detained, and the proprietor or superintendent shall, forth-

Time to intervene between special visits, etc.

with, if possible, transmit by post a copy of the notice to the person by whose authority the patient has been received into such house, or by whom the last payment on account of such patient was made, and also to the secretary of the board of visitors. R. S. O. 1877, c. 221, s. 74.

What lunatics the visitors cannot discharge.

67. None of the powers of discharge hereinbefore contained, shall extend to a lunatic confined under an order or authority of the Lieutenant-Governor, or under the order of any Court of criminal jurisdiction. R. S. O. 1877, c. 221, s. 75.

ORDER FOR INFORMATION.

Information to be given to persons who apply respecting individuals detained as lunatics.

68. If a person applies to a member of the board of visitors to be informed whether any particular person is confined in a licensed house within the jurisdiction of the board, the member, if he thinks it reasonable to permit the inquiry to be made, shall sign an order to the secretary of the board of visitors, and the secretary shall, on receipt of such order, and on payment to him of a sum not exceeding twenty cents for his trouble, make search amongst the returns made to him in pursuance of this Act, whether the person inquired after is, or, within the then last twelve months, has been confined in any licensed house within the jurisdiction of the board; and if it appears that such person is or has been so confined, the secretary shall deliver to the person applying a statement in writing, specifying:

1. The situation of the house in which the person so inquired after appears to be or to have been confined;

2. The name of the proprietor or resident superintendent thereof;

3. The date of the admission of such person into such licensed house; and

4. (In case of his having been removed or discharged) the date of his removal or discharge therefrom. R. S. O. 1877, c. 221, s. 76.

ORDERS FOR ADMISSION.

Admission of relatives, order for.

69. Any member of the board of visitors of a licensed house may, at any time, give an order in writing under his hand for the admission to any patient confined in such house, of any relation or friend of such patient or of any medical or other person whom any relation or friend of the patient desires to be admitted to him. R. S. O. 1877, c. 221, s. 77.

Extent of such order.

70. The order of admission may be either for a single admission, or for an admission for any limited number of times or for admission generally at all reasonable times, and either with or without restriction as to the admission or admissions being in the presence of a keeper or not, or otherwise. R. S. O. 1877, c. 221, s. 78.

71. If the proprietor or superintendent of such house refuses admission to, or prevents or obstructs the admission to any patient, of any relation, friend or other person who produces such order of admission, he shall for every such refusal, prevention or obstruction, forfeit a sum not exceeding \$80. R. S. O. 1877, c. 221, s. 79.

Penalty for refusing admission.

MISCELLANEOUS PROVISIONS.

72. In case the medical superintendent of a private asylum considers it conducive to the recovery of any of the persons confined in the asylum that such person should be entrusted for a time to the care of his friends, the medical superintendent may allow such person to return on trial to his friends, upon receiving a written undertaking by one or more of the friends of such person, that he or they will keep an oversight over such person. 48 V. c. 53, s. 1.

Medical Superintendent may give patient into custody of his friends.

73. In case, within six months from such probational leave, the patient again becomes dangerous or unfit to be at large, it shall be lawful for the medical superintendent by whom the patient was so enlarged, with the consent of the inspector of prisons and public charities, or one of the visitors, to be endorsed on the warrant, by his warrant directed to any person or persons, or to any constable or peace officer, or to all constables or peace officers, to authorize and direct that such patient be apprehended and brought back to the asylum from which he was probationally enlarged, and the warrant so endorsed shall be an authority to any one acting thereunder to apprehend the person named therein and to bring him back to the said asylum. 48 V. c. 53, s. 2.

Recommittal to asylum.

74. The proprietor or superintendent of a licensed house, with the consent in writing of any two of the visitors of the house, may send or take, under proper control, any patient to any specified place for any definite time for the benefit of his health; but before such consent is given by any visitors, the approval in writing of the person who signed the order for the reception of the patient, or by whom the last payment on account of the patient has been made, shall be produced to such visitors, unless they, on cause shewn, dispense with the same. R. S. O. 1877, c. 221, s. 80.

On what authority patients may be taken on excursions for benefit of health.

75. In every case in which a patient under any of the powers or provisions of this Act, is removed temporarily from the licensed house into which the order for his reception has been given, or is transferred from such house into any new house, and also in every case in which any patient has escaped from any such house and has been retaken within fourteen days next after such escape, the certificate or certificates relating to and the original order for the reception of the patient shall respectively remain in force, in the same manner as the same

What temporary circumstances not to affect original certificates and order.

would have done if the patient had not been so removed or transferred, or had not so escaped and been retaken. R. S. O. 1877, c. 221, s. 81.

Persons licensed authorized to receive and detain patients, etc.

76. Every proprietor or superintendent of a licensed house who receives a proper order in pursuance of this Act, accompanied with the required medical certificates or certificate for the reception or taking care of any person as a lunatic, and the assistants and servants of such proprietor or superintendent, may take charge of, receive and detain such patient until he dies or is removed or discharged by due authority; and in case of the escape of the patient, may retake him at any time within fourteen days after his escape, and again detain him as aforesaid. R. S. O. 1877, c. 221, s. 82.

Visitors may compel the attendance of witnesses.

77. The board of visitors of any licensed house, or any two members of the board may, from time to time, by summons under their hands and seals (according to the form in Schedule G, or as near thereto as the case permits), require any person to appear before them to testify, on oath, the truth touching any matters respecting which such visitors are by this Act authorized to inquire (which oath they are hereby empowered to administer); and every person who does not appear before such visitors pursuant to such summons, or does not assign some reasonable excuse for not appearing, or appears and refuses to be sworn or examined, shall, on being convicted thereof before one of Her Majesty's Justices for the county, forfeit a sum not exceeding \$200 for every such neglect or refusal. R. S. O. 1877, c. 221, s. 83.

Penalty for non-attendance, etc.

Expenses of witnesses.

78. Any visitors who summon a person to appear and give evidence as aforesaid, may direct the secretary of the board to pay to such person all reasonable expenses of his appearance and attendance, in pursuance of the summons; the same to be considered as expenses incurred by the board of visitors in the execution of this Act, and to be taken into account and paid accordingly. R. S. O. 1877, c. 221, s. 84.

PROSECUTIONS AND PENALTIES.

One Justice may receive complaints.

79. Every complaint or information of or for any offence against this Act, where any pecuniary penalty is imposed may be made before one Justice. R. S. O. 1877, c. 221, s. 85.

Procedure on non-appearance.

80. When any person is charged upon oath, before a Justice, for any offence against this Act, the Justice may summon the person charged to appear at a time and place to be named in the summons, and if he does not appear then upon proof of due service of the summons (either personally or by leaving the same at his last or usual place of abode), any two Justices

may either proceed to hear and determine the case, or may issue their warrant for apprehending such person and bringing him before any two Justices. R. S. O. 1877, c. 221, s. 86.

81. Any two Justices upon the appearing of such person, ^{Adjudication by Justices.} pursuant to the summons, or upon such person being apprehended under a warrant, or upon the non-appearance of such person, shall hear the matter of every such complaint or information, and make such determination thereon as the Justices think proper. R. S. O. 1877, c. 221, s. 87.

82. Upon conviction of any person, the Justices may, if ^{Penalties may be reduced, and how levied.} they think fit, reduce the amount of the penalty by this Act imposed for the offence, to any sum not less than one-fourth of the amount thereof, and shall issue a warrant under their hands and seals for levying such penalty, or reduced penalty, and all costs and charges of the summons, warrant and hearing, and all incidental costs and charges, by distress and sale of the goods and chattels of the person convicted. R. S. O. 1877, c. 221, s. 88.

83. Such two Justices may order any person so convicted to be detained and kept in the custody of any constable or other peace officer until return can be conveniently made to such warrant of distress, unless the offender gives security by way of recognizance or otherwise to the satisfaction of the Justices, for his appearance before them on such day as they appoint for the return of the warrant of distress; such day not being more than seven days from the time of taking such security. R. S. O. 1877, c. 221, s. 89. ^{Detention of defendant.}

84. If, upon the return of the warrant of distress, it appears that no sufficient distress can be had whereupon to levy the penalty or reduced penalty, and the costs and charges, and if the same are not forthwith paid, or in case it appears to the satisfaction of the Justices, either by the confession of the offender or otherwise, that the offender has not sufficient goods and chattels whereupon the penalty or reduced penalty, costs and charges can be levied, the Justices shall, by warrant under their hands and seals, commit the offender to the common gaol or house of correction of the county, as the case may be, for any term not exceeding three months, unless the penalty or reduced penalty, costs and charges, are sooner paid, R. S. O. 1877, c. 221, s. 90. ^{If no sufficient distress.}

85. All penalties and reduced penalties, when recovered shall be paid to the clerk of the peace for the county in which the offence was committed, to be by him applied and accounted for as hereinbefore directed with respect to moneys received for licenses; and the overplus (if any) arising from such distress and sale, after payment of the penalty or reduced penalty, and all costs and charges as aforesaid, shall be paid upon demand, to the owner of the goods and chattels so distrained. R. S. O. 1877, c. 221, s. 91. ^{How penalties to be disposed of.}

Form of convictions.

86. The Justices before whom any person is convicted of any offence against this Act for which a pecuniary penalty is imposed, may cause the conviction to be drawn up in the following form, or in any other form to the same effect, as the case may require; and no conviction under this Act shall be void through want of form:

“Be it remembered, that on the day of in the year of our Lord at , in the County of , *A. B.* was convicted before us, of Her Majesty’s Justices of the Peace for the said county, for that he the said did and we the said adjudge the said for his said offence to pay the sum of .

R. S. O. 1877, c. 221, s. 92.

Appeals.

87. Any person who thinks himself aggrieved by the order or determination of any Justices under this Act, may, within four months after such order made or given, appeal to the Justices at General Sessions; the person appealing having first given at least fourteen clear days’ notice in writing of the appeal and the nature and matter thereof, to the person appealed against, and forthwith after such notice entering into a recognizance before some Justice, with two sufficient sureties, conditioned to try such appeal and to abide the order and award of the said Court thereupon. R. S. O. 1877, c. 221, s. 93.

Justices in General Sessions to hear.

88. The Justices at General Sessions, upon the proof of such notice and recognizance having been given and entered into, shall, in a summary way, hear and determine the appeal, or if they think proper, may adjourn the hearing thereof until the next General Sessions, and if they see cause, may mitigate any penalty to not less than one-fourth of the amount imposed by this Act, and may order any money to be returned which has been levied in pursuance of the order or determination appealed against, and may also award such further satisfaction to the party injured, or such costs to either of the parties, as they judge reasonable and proper; and all such determinations of the said Justices at General Sessions shall be final and conclusive upon all parties to all intents and purposes whatsoever. R. S. O. 1877, c. 221, s. 94.

Limitation of actions.

89. If an action is brought against any person for anything done in pursuance of this Act, the same shall be commenced within twelve months next after the release of the party bringing the action, and shall be laid or brought in the county where the cause of action arose, and not elsewhere. R. S. O. 1877, c. 221, s. 95.

Defendants may plead not guilty, etc.

90. The defendant in every such action may, at his election, plead specially or may plead not guilty by statute, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pur-

suance and by the authority of this Act; and if the same appears to have been so done, or if it appears that the action has been brought in any other county than where the cause of action arose, or was not commenced within the time hereinbefore limited for bringing the same, then the Judge or jury (as the case may be) shall find a verdict for the defendant; and upon a verdict being so found, or if the plaintiff is nonsuited or discontinues his action after the defendant has appeared, or if upon demurrer judgment is given against the plaintiff, then the defendant shall recover double costs, and have such remedy for recovering the same as any defendant has in other cases by law. R. S. O. 1877, c. 221, s. 96.

91. In every writ, action and other proceeding preferred or brought against any proprietor or superintendent, or against the assistant or servant of any proprietor or superintendent, for taking, confining, detaining or retaking any person as a lunatic, the party complained of may plead in defence the order and certificates or certificate hereinbefore mentioned, and such order and certificates or certificate shall, as respects such party, be a justification for taking, confining, detaining or retaking the lunatic or alleged lunatic. R. S. O. 1877, c. 221, s. 97.

Defence in case of prosecution.

92. The secretary of any board of visitors may, on the order of the board, prosecute any person for any offence against the provisions of this Act committed within the jurisdiction of such board, and may sue for and recover any penalty to which any person within the jurisdiction of the board is made liable by this Act. R. S. O. 1877, c. 221, s. 98.

When Secretary of Board of Visitors to prosecute.

93. All penalties sued for and recovered by such secretary shall be paid to him, and shall be by him applied and accounted for the same as hereinbefore enacted with respect to moneys received for licenses. R. S. O. 1877, c. 221, s. 99.

How penalties recovered by him to be disposed of.

94. No one shall prosecute any person for any offence against the provisions of this Act, or sue for any penalty to which any person is made liable by this Act, except by order of the board of visitors having jurisdiction in the place where the cause of prosecution has arisen or the penalty has been incurred, or with the consent of Her Majesty's Attorney-General for Ontario. R. S. O. 1877, c. 221, s. 100.

Order of Visitors necessary to authorize suits for penalties or prosecutions for offences. Except, etc.

95. In case any person is proceeded against for omitting to transmit or send any copy, list, notice, statement or other document hereinbefore required to be transmitted by such person, and such person proves by the testimony of one person upon oath, that the copy, list, notice, statement or other document in respect of which the proceeding has been taken, was put into the proper post-office in due time or (in case of documents required to be transmitted to a clerk of the peace), left at the

What to be sufficient proof of compliance with certain regulations in case of prosecution.

office of such clerk of the peace, and was properly addressed, such proof shall be a bar to all further proceedings in respect of such omission. R. S. O. 1877, c. 221, s. 101.

Costs under
orders, etc., of
Visitors pro-
vided for.

96. The costs, charges and expenses incurred by or under the order of any board of visitors, shall be paid by the clerk of the peace for the county, and be included by him in the account of receipts and payments hereinbefore directed to be kept by him. R. S. O. 1877, c. 221, s. 102.

ADMISSION OF INEBRIATES.

Inebriates
may be
admitted.

97. If the license so directs, admission to a private asylum shall be awarded to inebriates who are *bona fide* residents of the Province, upon the voluntary application in writing of the person desiring to be admitted: provided it is certified to the satisfaction of the superintendant that the person so applying is an inebriate, and further, that he is a reasonably hopeful subject for treatment with a view to the cure of his inebriety. 36 V. c. 33, s. 13.

Time of deten-
tion in hospi-
tal.

98. Such inebriate may be detained in the asylum for a period of one year, and no longer; and it shall be a condition of his admission to the asylum that he shall remain therein such length of time, not exceeding one year, as, in the opinion of the superintendent, is required to effect a permanent cure of his inebriety; and before admission is awarded he shall sign a pledge agreeing and consenting to such specified condition, and to faithfully conform himself to all the rules and regulations of the asylum while an inmate of the same. 36 V. c. 33, s. 14.

Terms of ad-
mission.

Authority of
superinten-
dent to
discharge
patients.

99. The superintendent, with the consent and authority of the inspector, shall have full authority to discharge at any time from the asylum any person who has been awarded admission to it by his own voluntary application for the following causes, viz:—

1. That such person is cured;
2. That such person is incurable and incapable of being benefited by the treatment and discipline of the said asylum;
3. That such person, who, being able to pay for maintenance and support therein, or that any other person who has become security for maintenance and support, has failed to pay therefor;
4. Such person who has been guilty of vicious conduct prejudicial to the good order and discipline of the asylum. 36 V. c. 33, s. 15.

Commitment
of habitual
drunkards.

100. On petition under oath, presented to the Judge of the County Court of the county in which the alleged habitual drunkard resides, by any relations, whether by blood or affinity, or, in default of such relations, by any friend of the alleged habitual drunkard, setting forth that the alleged habitual drunkard, being a *bona fide* resident of the Province, is so

given over to drunkenness as to render him unable to control himself, and is incapable of managing his affairs, or that by reason of such drunkenness he either squanders or mismanages his property, or places his family in danger or distress, or transacts his business prejudicially to the interest of his family or his creditors, or that he uses intoxicating liquors to such an extent as to render him dangerous to himself or others, or incurs the danger of ruining his health and shortening his life thereby, and praying that a hearing and examination of the matters and allegations set forth in the said petition may be had, the Judge shall cause and direct that a copy of the petition shall forthwith be served upon the alleged habitual drunkard, and with such copy there shall be served an appointment signed by the Judge, appointing a time and place for the hearing of the matters and allegations contained in the petition, and such service shall be at least eight clear days before the time fixed for the hearing. 36 V. c. 33, s. 18.

101. The Judge shall attend at the time and place named in the appointment, and then and there proceed to enquire into the matters and allegations set forth in the petition: provided always that he may in his discretion adjourn the said enquiry from time to time. 36 V. c. 33, s. 19.

Hearing the petition.

102. The Judge shall have power to summon such relations, or such other persons as are acquainted with the alleged habitual drunkard, before him, by order under his hand, and examine such persons under oath touching the truth or falsity of the matters and allegations set forth in the petition respecting the alleged habitual drunkard; and any person who shall neglect or refuse to appear before the Judge at the time and place named in the order, having been duly served with a copy thereof, or shall refuse to give evidence before the Judge, may be taken into custody by virtue of a warrant under the hand of the Judge, and imprisoned in the common gaol of the county in which the enquiry is held, as for contempt of Court, for a period not exceeding fourteen days. 36 V. c. 33, s. 20.

Summoning of witnesses.

103. In proceeding to the examination of the matters and charges contained in the petition, it shall not be necessary that the person charged with such habitual drunkenness be interrogated before the Judge, nevertheless the Judge shall have power so to do, but it shall be sufficient that he be satisfied with the evidence given before him by the relations or such other persons as are acquainted with the alleged habitual drunkard. 36 V. c. 33, s. 21.

Examination of the habitual drunkard discretionary.

104. The alleged habitual drunkard may produce before the Judge witnesses to contradict the matters and allegations of the petition, and the witnesses in support of the same, and each party may retain counsel to conduct the proceedings before the Judge and to examine the witnesses. 36 V. c. 33, s. 22.

Habitual drunkard may produce and examine witnesses.

If judge find party petitioned against to be an habitual drunkard, to report to Provincial Secretary.

105. If the Judge, upon such examination, finds the person petitioned against to be an habitual drunkard, and so given over to drunkenness as to render him unable to control himself and incapable of managing his affairs; or for the like reasons squanders or mismanages his property; or places his family in danger or distress; or transacts his business prejudicially to the interest of his family or his creditors; or that he uses intoxicating liquors to such an extent as to render him dangerous to himself or others; or incurs the danger of ruining his health or shortening his life, the Judge shall forthwith report the fact to the Provincial Secretary, and with the report shall transmit the evidence taken. 36 V. c. 33, s. 23.

Provincial Secretary may direct removal to hospital.

106. Upon the receipt of the report and evidence, the Provincial Secretary may, by order directed to the sheriff of the county where the habitual drunkard resides, direct the said sheriff to forthwith remove the habitual drunkard to the asylum, to be placed under treatment and detained therein for a period not exceeding one year; nevertheless, the Provincial Secretary may, upon the report of the superintendent, at any time, order the discharge of the person so committed for any of the causes specified in sub-sections 1, 2 and 4 of section 99 of this Act. 36 V. c. 33, s. 24.

Provision in case any party detained escape.

107. In case an inmate of the asylum, whether admitted or committed as hereinbefore provided, shall escape therefrom, it shall be lawful for any of the officers or servants of the asylum, or for any other person or persons, at the request of the superintendent within forty-eight hours after such escape, or within one month thereafter, when a warrant has been issued by the superintendent in that behalf, to retake such escaped person, and to return him to the asylum where he shall remain under the authority by virtue of which he was detained prior to such escape. 36 V. c. 33, s. 25.

Application of provisions as to voluntary admission.

108. The provisions respecting the voluntary admission of inebriates shall extend to any person, whether male or female, who is a habitual consumer of stimulating or narcotic drugs to such excess as to cause mental or physical derangement or disease. 46 V. c. 28, s. 11.

Rev. Stat. c. 250, ss. 10, 11, to apply to Private Asylums. Application of Act.

109. Sections 10 and 11 of *The Prison and Asylum Inspection Act* shall hereafter apply to private as well as to public asylums for the insane. 48 V. c. 53, s. 8.

Rev. Stat. c. 245.

110. Nothing in this Act contained shall extend to the asylum for the insane at Toronto, or to the asylums referred to in sections 2 and 3 of *The Act respecting Lunatic Asylums and the Custody of Insane Persons*. R. S. O. 1877, c. 221, s. 103.

SCHEDULE A.

(Section 29.)

ORDER FOR THE RECEPTION OF A PATIENT.

I, the undersigned, hereby request you to receive *A. B.*, a lunatic (*or*, an insane person, *or*, an idiot, *or*, a person of unsound mind) as a patient into your house.

(Signed)

Name.

Occupation (if any), place of abode, degree of relationship, (if any), or other circumstances of connection with the patient.

1. Name of Patient, with Christian name at length.
2. Sex and age.
3. Married, single, or widowed.
4. Condition of life and previous occupation (if any).
5. Previous place of abode.
6. Religious persuasion, so far as known.
7. Duration of existing attack.
8. Whether first attack.
9. Age (if known) on first attack.
10. Whether subject to epilepsy.
11. Whether suicidal or dangerous to others.
12. Previous place of confinement (if any).
13. Whether found lunatic by Commission, and date of Commission.
14. Special circumstances (if any) preventing the patient being examined, before admission, separately by two physicians.
15. Special circumstances (if any) preventing the insertion of any of the above particulars.

Dated this day of , 18
(Signed,) Name.

To
Proprietor (*or*, Superintendent) of
(*describing house by situation and name, if any.*)

R. S. O. 1877, c. 221, Sched B.

SCHEDULE B.

(Section 29.)

FORM OF MEDICAL CERTIFICATE.

I, being a physician duly authorized to practise as such, hereby certify that I have this day, separately from any other medical practitioner, visited and personally examined *A. B.*, the person named in the accompanying statement and order, and that the said *A. B.* is a lunatic, (*or* an insane person, *or* an idiot, *or* a person of unsound mind,) and a proper person to be confined, and that I have formed this opinion from the following fact (*or* facts,) viz. :

(Signed,)

Name.

Place of abode.

Dated this day of , 18

R. S. O. 1877, c. 221, Sched. C.

SCHEDULE C.

(Section 30.)

REGISTRY OF ADMISSIONS—REGISTER OF PATIENTS.

| Date of last previous Admission (if any). | No. in order of Admission. | Date of Admission. | (Christian and Surname at length. | Sex. | Age. | Condition as to Marriage. | Condition of life and previous occupation (if any). | Previous place of abode. | By whose authority sent. | Dates of Medical Certificates, and by whom signed. | Bodily condition. | Name of Disorder (if any). | Form of mental Disorder. | Supposed cause of Insanity. | Epileptics. | Congenital Idiots. | Years. | Months. | Weeks. | Duration of existing attacks. | Number of previous attacks. | Age on first attack. | Date of Discharge, or Death or Removal. | Recovered. | Relieved. | Not Improved. | Removed. | Died. | Observations. |
|---|----------------------------|--------------------|-----------------------------------|----------|------|---------------------------------|---|--------------------------|--------------------------|--|-------------------|----------------------------|--------------------------|-----------------------------|-------------|--------------------|--------|---------|--------|-------------------------------|-----------------------------|----------------------|---|------------|-----------|---------------|----------|-------|---------------|
| | | | | M. F. | | Married. Single. Widowed. | | | | | | | | | | | | | | | | | | | | | | | |

R. S. O. 1877, c. 221. Sched. D

SCHEDULE D.

(Section 41.)

NOTICE OF ADMISSION.

I hereby give you notice, that *A. B.* was received into this house as a patient, on the _____ day of _____, and I hereby transmit a copy of the Order and Medical Certificates (*or* Certificate) on which he was received.

Subjoined is a statement with respect to the mental and bodily condition of the above named patient.

(Signed), _____ Name. _____
 Superintendent (or Proprietor) of _____

Dated this day of , 18 .

STATEMENT.

I have this day seen and personally examined *A. B.*, the patient named in the above notice, and hereby certify that, with respect to mental state, he (*or she*), _____, and that, with respect to bodily health and condition, he (*or she*) _____.

(Signed), *Name.*
Medical Proprietor (or Superintendent,
or Attendant of

Dated this day of , 18 .

R. S. O. 1877, c. 221, Sched. E.

SCHEDULE F.

(Section 43.)

FORM OF NOTICE OF DISCHARGE OR DEATH.

I hereby give you notice that a patient received
 into this house on the day of was discharged
 therefrom, recovered (*or* relieved, *or* not improved) *or* was removed
 therefrom) by the authority of (*or* died therein) on the
 day of

(Signed)

Name.

Superintendent (*or* Proprietor)
 of house, at

Dated this day of , 18 .

*In case of death, add—*and I further certify that A. B. was present
 at the death of the said , and that the apparent cause
 of the death of the said (*ascertained by post*
mortem examination, *if so*) was

R. S. O. 1877, c. 221, Sched. G.

SCHEDULE G.

(Section 77.)

FORM OF SUMMONS.

We, whose names are hereunto set and seals affixed, being two of
 the visitors appointed under or by virtue of chapter 246 of The Revised
 Statutes of Ontario, respecting Private Lunatic Asylums, do hereby
 summon and require you personally to appear before us at

m on , at the hour of
 the day of noon of the same day, and then and there to be
 in the examined, and to testify the truth touching certain matters relating to the
 execution of the said Act.

Given under our hands and seals, this day of
 in the year of our Lord, 18 .

R. S. O. 1877, c. 221, Sched. H.

SCHEDULE H.

[illegible]

FORM OF MEDICAL JOURNAL, AND WEEKLY REPORT.

2250157. c. 21. Schell. J.

CHAPTER 247.

An Act respecting Institutions for the Education and Instruction of the Deaf and Dumb and the Blind.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The institution founded and established at Belleville, for the education and instruction of the deaf and dumb, with all the lands, buildings, real estate and appurtenances thereunto attached, and whatever lands or real estate may hereafter be purchased or acquired for the same, and whatever buildings may hereafter be erected thereupon, shall be for the public use of the Province, and shall be known and designated as "The Ontario Institution for the Education and Instruction of the Deaf and Dumb." R. S. O. 1877, c. 222, s. 1.

The Institution at Belleville to be for the public use of the Province, etc.

Name.

2. The institution founded and established at Brantford, for the education and instruction of the blind, with all the lands, buildings, real estate and appurtenances thereunto attached, and whatever lands or real estate may hereafter be purchased or acquired for the same, and whatever buildings may hereafter be erected thereupon, shall be for the public use of the Province, and shall be known and designated as "The Ontario Institution for the Education and Instruction of the Blind." R. S. O. 1877, c. 222, s. 2.

The Institution at Brantford to be for the public use of the Province, etc.

Name.

3. Such institutions respectively shall be for the purpose of educating and imparting instruction in some manual art to such deaf and dumb persons and to such blind persons as are born of parents, or are wards of a person *bona fide* resident of and domiciled in the Province of Ontario. R. S. O. 1877, c. 222, s. 3.

Objects of the institutions.

4. The Lieutenant-Governor may appoint to the said institutions respectively, to hold office during pleasure, a principal who shall be the chief executive officer of the same, a bursar, a physician, a matron, and such other officers, instructors and servants as he deems necessary; and may also fix and determine the salary of every such officer and servant. R. S. O. 1877, c. 222, s. 4.

Appointment of officers.

Salaries.

5. The inspector of prisons and public charities shall be the inspector of the said institutions, and shall have and perform the same powers and duties in respect to the said

Inspector and his powers.

Rev. Stat.
c. 250.

institutions as are conferred on him in respect of asylums for the insane by *The Prison and Asylum Inspection Act*. R. S. O. 1877, c. 222, s. 5.

Inspector to
make rules
for manage-
ment, etc.

6.—(1) The inspector shall have power, and it shall be his duty, to make such rules and by-laws as he deems expedient for the government, discipline and management of the said institutions; for prescribing and regulating the duties of the principals, bursars, physicians, matrons, and every other officer, instructor and servant employed in or about such institutions; for the education and instruction of the pupils admitted to the same; and, subject to the provisions hereinbefore contained, for fixing the terms and conditions upon which pupils shall be admitted to, and remain in, the said institutions respectively, and the period they shall be allowed to remain therein, and their discharge therefrom.

(2) No such rules or by-laws shall have any effect until and unless they are first approved by the Lieutenant-Governor in Council. R. S. O. 1877, c. 222, s. 6.

Admittance.

7. No person shall be admitted to either of such institutions except for the purposes of education and instruction, nor if over the age of twenty-one years, except upon the assent in writing of the inspector of prisons and public charities, and upon his report to the Provincial Secretary of the particulars and special circumstances which in the opinion of the inspector justify such

Maintenance.

admission; and the maintenance and support of any person admitted shall be in the discretion of the inspector, who, on exercise thereof in favour of such person, shall report every six months to the Provincial Secretary the particulars and special circumstances which justify such maintenance and support; and the Provincial Secretary in either case may annul the right of admission or of continuance in such institutions, and annul or vary the terms of continuance, support or maintenance. R. S. O. 1877, c. 222, s. 7.

Annuling
admission.

CHAPTER 248.

An Act to regulate Public Aid to Charitable Institutions.

SHORT TITLE, s. 1.

INSTITUTIONS TO BE AIDED, s. 2.

Proviso as to hospitals admitting small-pox patients, s. 6.

AMOUNT OF AID, ss. 3-8.

RETURNS, s. 9.

Penalty for false return, s. 10.

POWERS AND DUTIES OF INSPECTOR, ss. 11, 12.

INSTITUTIONS MAY BE ADDED TO SCHEDULES OR REMOVED THEREFROM, ss. 13, 14.

APPROVAL OF BY-LAWS FOR INSTITUTIONS NAMED IN SCHEDULES A. AND B., s. 15.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "*The Charity Aid Act.*" R. S. O. Short title. 1877, c. 223, s. 1.

2. Aid from the public funds or moneys of this Province shall be given to charitable institutions hitherto receiving public aid, and named in schedules A, B and C, upon the terms and under the provisions of this Act. R. S. O. 1877, c. 223, s. 2.

3. In case of public moneys being appropriated for the purposes of this Act by the Legislative Assembly, every institution named in said Schedules complying with the requirements of this Act, and of all Orders made hereunder by the Lieutenant-Governor in Council, shall receive in each year aid from such moneys to the extent and amount following, that is to say :

1. Every institution named in Schedule A shall so have and receive 20 cents for each day's actual treatment and stay of every patient admitted to, or being within such institution during the calendar year next preceding the year for which such aid is given ;

2. Every institution named in Schedule B shall so have and receive 5 cents for each day's actual lodgment and maintenance therein of any indigent person during the calendar year next preceding that for which such aid is given ;

3. Every institution named in Schedule C shall so have and receive 1½ cents for each day's actual lodgment and

maintenance therein of any orphan or neglected and abandoned child, during the calendar year next preceeding that for which such aid is given. R. S. O. 1877, c. 223, s. 3.

Further aid.

4.—(1) In every year, every such institution shall also be entitled to have and receive from such public funds further aid to the extent and amount following, that is to say :

1. Every institution named in Schedule A, 10 cents :
2. Every institution named in Schedule B, 2 cents ; and
3. Every institution named in Schedule C, one-half cent, for every such day's actual stay and treatment, or lodgment and maintenance of any patient or person therein, as aforesaid ;

Proviso—

Limit of
amount of aid.

(2) But the aggregate amount of such further aid, at the rate aforesaid, shall not, in any one year, exceed one-fourth of the entire moneys received by such institution in said preceding year from all sources other than the Province, towards the ordinary yearly maintenance thereof, and in every such case, where said further aid in the aggregate would exceed said one-fourth of the last-mentioned moneys, there shall be substituted and given in lieu thereof, from the public moneys so appropriated, a sum equal to the said one-fourth of the last mentioned moneys. R. S. O. 1877, c. 223, s. 4.

How amount
to be calcu-
lated.

5. In calculating the amount of aid so to be given under this Act to any institution as aforesaid, the day of departure of any patient or person from such institution shall not be counted or reckoned. R. S. O. 1877, c. 223, s. 5.

No money to
be paid to any
Hospital ad-
mitting small-
pox patients
unless it has
a special ward.

6. No warrant shall issue for the payment of any sum of money granted by the Legislature to any hospital to which small-pox patients are admitted unless a certificate has been filed with the Clerk of the Executive Council signed by a medical officer of such hospital, to the effect that there is in such hospital a distinct and separate ward set apart for the exclusive accommodation of patients afflicted with small-pox. R. S. O. 1877, c. 223, s. 6.

Treasurer of
Province to
pay over
amounts.

7. The Treasurer of the Province, with the authority of the Lieutenant-Governor in Council, may, from any moneys appropriated for that purpose by the Legislative Assembly, advance and pay, by such periodical payments in every year as the Lieutenant-Governor in Council deems fit, to any institution entitled to receive aid under this Act, all sums to which such institution may be so entitled ; but if in any year the aggregate aid payable under this Act exceeds the amount of the moneys so appropriated, then every such institution shall in such year receive by way of aid, as aforesaid, such sum only as will bear the same proportion to the amount of aid, which, but for this section it would receive, as the amount of moneys so appropriated, bears to such aggregate aid as aforesaid. R. S. O. 1877, c. 223, s. 7.

Proviso in case
aid is in excess
of sum
granted.

8. If there is a residue of the moneys so appropriated, because of the same being more than sufficient to pay the sums payable to the said institution as aforesaid, then every of the institutions named in the schedules, which may not be entitled to receive under the foregoing provisions the sum set opposite to its name in the schedules, that being the sum heretofore granted thereto, shall receive out of the residue such an amount by way of supplementary aid as will make the total aid under this Act received by the institution equal to the sum so set opposite its name, if the residue is sufficient for that purpose, or if insufficient, then such proportion thereof as the residue will permit of. R. S. O. 1877, c. 223, s. 8.

Case of a residue of appropriation.

9. The Lieutenant-Governor in Council shall from time to time, by Order in Council, fix and direct the particulars to be contained in, and the form, manner and time of making such return or returns as to the Lieutenant-Governor in Council may, for the due carrying out of the provisions of this Act, seem proper with regard to such institution, and, by like Order in Council shall fix and direct the form and manner of oath (if any) required for the verification of any such return, and the person by whom such oath shall be made; and any such oath may be taken before and administered by a Justice of the Peace or commissioner for taking affidavits. R. S. O. 1877, c. 223, s. 9.

Returns.

10. Any person who knowingly and wilfully makes, or is a party to, or procuring to be made, directly or indirectly, any false return, either under this Act or any Order in Council, shall thereby incur a penalty of \$1,000, which penalty may be recovered, with costs, by civil action or proceeding, at the suit of the Crown only, in any form allowed by law, and before any Court of the Province having jurisdiction to the amount of such penalty in cases of simple contract. R. S. O. 1877, c. 223, s. 10.

Penalty in case of false return.

11. The inspector of prisons and public charities shall, by virtue of his office, be the inspector of every institution receiving aid under this Act. R. S. O. 1877, c. 223, s. 11.

Inspector.

12. The inspector shall, from time to time, visit and inspect every such institution, and make all proper inquiries as to the maintenance, management and affairs thereof; and by examination of the registers and such other means as he may deem necessary, particularly satisfy himself as to the correctness of any returns made under this Act, or under any Order in Council in that behalf, as aforesaid; upon all which matters he shall make report to the Lieutenant-Governor in Council. R. S. O. 1877, c. 223, s. 12.

Duties of Inspector.

Lieutenant-Governor in Council may name similar institutions to those mentioned to receive aid,

13.—(1) The Lieutenant-Governor in Council may, by Order in Council, direct that any institution (naming it) similar to those named in either of said schedules, shall be thereafter taken as named in such one of the schedules as in that behalf is specially designated in such Order; and thereupon and thereafter said last mentioned institution shall receive aid under this Act after the manner and to the same extent as the other institutions now named in said last mentioned schedule.

upon report of the Inspector.

(2) No Order in Council shall be made except upon report of the inspector of prisons and public charities to and for the information of the Lieutenant-Governor in Council, shewing that the institution named in the Order has all the usual and proper requirements for one of its nature and objects and that, for reasons therein stated, the same ought to be aided under this Act.

Order in Council to be submitted to Legislative Assembly.

(3) Every Order in Council shall, as soon as conveniently may be after the making thereof, be laid before the Legislative Assembly for its ratification or rejection, and no Order shall be operative unless and until the same has been ratified by a resolution of the Legislative Assembly. R. S. O. 1877, c. 223, s. 13.

Lieut.-Governor in Council may order aid to be discontinued,

but upon report of Inspector, order may be revoked.

14. The Lieutenant-Governor in Council may, by Order in Council, direct that any institution receiving aid under this Act shall not, after the date of the Order, receive any aid; and thereupon, and whilst the Order remains unrevoked, such last mentioned institution shall not be entitled to or receive any further aid from the public moneys of the Province; but upon report of the inspector, disclosing good and sufficient grounds in that behalf, it shall always be competent for the Lieutenant-Governor in Council to revoke such last mentioned Order by a subsequent Order in Council, and thereafter such institution shall again receive aid under this Act, and shall be subject to all its provisions, as if the Order in Council firstly in this section mentioned had not been made; and if at any time, upon report of the inspector, it is found that any institution of the character named in Schedule A is insufficient, or without the necessary and proper accommodation or requirements for one of its nature and objects, the Lieutenant-Governor in Council shall thereupon make such Order as is firstly in this section mentioned. R. S. O. 1877, c. 223, s. 14.

Managers of institutions to make by-laws and submit same to Lieut.-Governor in Council.

15. No by-laws or regulations adopted by the directors or managers, or other body or persons having the control or management of any institution named in Schedules A and B, for the government and management of such institution, or for prescribing the method and terms of admission thereto, or defining and regulating the duties and powers of the officers and servants thereof, and the salaries (if any) of such officers and servants, shall have force or effect unless and until the

same have been approved of by the Lieutenant-Governor in Council, upon the report of the inspector of prisons and public charities. R. S. O. 1877, c. 223, s. 15.

SCHEDULE A.

(Sections 2, 3, 4, 8 and 13.)

| | |
|--|-------------|
| Toronto General Hospital | \$11,200 00 |
| The City Hospital, Hamilton | 4,800 00 |
| Kingston Hospital, Kingston | 4,800 00 |
| Hotel Dieu Hospital, Kingston | 1,000 00 |
| County of Carleton General Protestant Hospital, Ottawa | 1,200 00 |
| The General Roman Catholic Hospital, Ottawa | 1,200 00 |
| The General Hospital, London | 2,400 00 |
| The General and Marine Hospital, St. Catharines | 1,000 00 |
| The Burnside Lying-in Hospital, Toronto | 480 00 |
| The Toronto Eye and Ear Infirmary | 1,000 00 |

R. S. O. 1877, c. 223, Sched. A.

Belleville Hospital, Belleville.
 John H. Stafford Hospital, Brantford.
 General Hospital, Guelph.
 St. Joseph's Hospital, Guelph.
 General Hospital, Mattawa.
 House of Mercy Lying-in Hospital, Ottawa.
 General Hospital, Pembroke.
 St. Joseph's Hospital, Port Arthur.

SCHEDULE B.

(Sections 2, 3, 4, 8 and 13.)

| | |
|--|------------|
| The House of Industry, Toronto | \$2,900 00 |
| The House of Providence, Toronto | 1,000 00 |
| The House of Industry and Refuge for Indigent Sick, Kingston | 2,400 00 |
| The House of Refuge, Hamilton | 720 00 |

R. S. O. 1877, c. 223, Sched. B.

Home for Incurables, Toronto.
 Aged Women's Home, Toronto.
 Home for Aged Women, Hamilton.
 House of Providence, Kingston.
 Home for Aged and Friendless, London.
 Home for Aged Women, London.
 Roman Catholic House of Refuge, London.
 St. Patrick's House of Refuge, Ottawa.
 St. Charles' Hospice, Ottawa.
 House of Providence, Guelph.
 Protestant Home (Refuge Branch), St. Catharines.
 The Home, St. Thomas.
 House of Providence, Dundas.
 Home for the Friendless, Chatham.
 Widow's Home, Brantford.
 Home for the Friendless, Belleville.
 Protestant Home, Peterborough.

SCHEDULE C.

(Sections 2, 3, 4, 8 and 13.)

| | |
|---|----------|
| The Orphans' Home and Female Aid Society, Toronto | \$640 00 |
| Roman Catholic Orphan Asylum, Toronto. | 640 00 |
| The Toronto Magdalen Asylum | 480 00 |
| The Girls' Home and Public Nursery, Toronto | 320 00 |
| The Boys' Home, Toronto | 320 00 |
| The Orphans' Home, Kingston | 640 00 |
| The Roman Catholic Orphan Asylum, London | 640 00 |
| The St. Mary's Orphan Asylum, Hamilton | 640 00 |
| The Hamilton Orphan Asylum | 640 00 |
| The St. Patrick's Orphan Asylum, Ottawa | 480 00 |
| The Orphans' Home, Ottawa | 480 00 |
| The St. Joseph's Orphan Asylum, Ottawa | 480 00 |
| The Magdalen Asylum, Ottawa..... | 480 00 |

R. S. O. 1877, c. 224, Sched. C.

Industrial Refuge, Toronto.
 Newsboys' Lodgings, Toronto.
 Infants' Home, Toronto.
 St. Nicholas' Home, Toronto.
 Hospital for Sick Children, Toronto.
 Boys' Home, Hamilton.
 Girls' Home, Hamilton.
 Home of the Friendless and Infants' Home, Hamilton.
 House of Providence Orphan Asylum, Kingston.
 Hotel Dieu Orphan Asylum, Kingston.
 Protestant Orphans' Home, London.
 Women's Refuge and Infants' Home, London.
 Protestant Home (Orphanage Branch), St. Catharines.
 Orphan Asylum, St. Agatha.
 The Home (Orphanage Branch), St. Thomas.
 Orphans' Home, Fort William.

CHAPTER 249.

An Act for the Protection of Women in Certain Cases.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. No person shall at any time or place within the precincts of any institution to which *The Prison and Asylum Inspection Act* applies, unlawfully and carnally know any female who is capable in law of giving her consent to such carnal knowledge while she is a patient or is confined in such institution. 50 V. c. 45, s. 1.

Protection of persons confined in asylums. Rev. Stat. c. 250.

2. Whosoever violates section 1 of this Act is guilty of an offence, and shall be liable to be imprisoned in any gaol or place of confinement, other than the Penitentiary, for any term less than two years, with or without hard labour. 50 V. c. 45, s. 2.

Penalty.

3. The person charged shall be a competent witness in his own behalf. 50 V. c. 45, s. 3.

Accused a competent witness.

4. Nothing in this Act contained nor any conviction obtained in pursuance thereof shall deprive any person of the right to maintain an action for damages against the person so charged. 50 V. c. 45, s. 4.

Civil remedy not affected.

CHAPTER 250.

An Act to provide for the Inspection of Asylums,
Hospitals, Prisons and Court Houses.

| | |
|---|--|
| SHORT TITLE, s. 1. | As to asylums, ss. 13-15. |
| INTERPRETATION, s. 2. | As to hospitals, ss. 16, 17. |
| AMENDMENT OF RULES, s. 3. | As to private asylums, s. 18. |
| APPOINTMENT OF INSPECTORS, ss. 4-8. | As to other institutions, s. 19. |
| Senior Inspector, ss. 6, 7. | Report, ss. 20, 21. |
| Reference to Inspector in Statutes, s. 8. | GAOLS, CONSTRUCTION AND ALTERATION, ss. 22-25. |
| Salaries, s. 9. | INSPECTION OF COURT HOUSES, s. 26. |
| DUTIES AND POWERS OF INSPECTORS: | DEPUTIES OF INSPECTOR, s. 27. |
| As to gaols, etc., ss. 10-12. | ACTIONS UNDER THIS ACT, s. 28. |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title. 1. This Act may be cited as "*The Prison and Asylum Inspection Act.*" R. S. O. 1877, c. 224, s. 1.
- Meaning of "County." 2. In the construction of this Act the word "county" shall be held to mean county or union of counties. R. S. O. 1877, c. 224, s. 2.
- Amendment of rules. 3. The rules and regulations in force for the government of all public asylums, hospitals, common gaols, and reformatory and other prisons in this Province, other than the provincial penitentiary, may, from time to time, be amended, altered, changed, rescinded, or suspended, by order of the Lieutenant-Governor in Council. R. S. O. 1877, c. 224, s. 3.
- Appointment of Inspectors. 4. The Lieutenant-Governor may appoint two fit and proper persons to be each an inspector of the public asylums, hospitals, common gaols and reformatories in this Province, other than the provincial penitentiary. R. S. O. 1877, c. 224, s. 4; 46 V. c. 30, s. 1.
- Lieutenant-Governor may define duties of Inspector. 5. The Lieutenant-Governor may, from time to time, by Order in Council, designate what public and other institutions requiring inspection are to be inspected by each inspector, or by either inspector, or by both inspectors, and may otherwise define the duties of the inspectors, and each of them. 46 V. c. 30, s. 2.

6. For the purposes of chapters 238 to 248 of these Revised Statutes, the inspector for the time being whose commission bears the earlier date, shall be a corporation sole, by the name of "The Inspector of Prisons and Public Charities," and by that name he and his successors in office shall have perpetual succession, and may sue and be sued, and may plead and be impleaded in any of Her Majesty's Courts in this Province; and he may hereafter be referred to in any Statute or otherwise as the senior inspector of prisons and public charities. R. S. O. 1877, c. 224, s. 5; 46 V. c. 30, s. 3 (1) *part*.

Senior
Inspector to
be a corpora-
tion sole.

7.—(1) Sections 47, 48, 49, 51, 52, 53, 54, 57, 58 and 59 of *The Act respecting Lunatic Asylums, and the Custody of Insane Persons*, shall apply to the senior inspector. 46 V. c. 30, s. 3 (1) *part*.

Rev. Stat.
c. 245,
ss. 47-49, 51-54,
57-59, to
apply to the
Senior In-
spector.

(2) In case of the death, removal or resignation of such senior inspector, all the rights, powers, duties, obligations, moneys or estates under the said sections, or under anything done in pursuance thereof, which shall be vested in him, or shall belong to him, either by his name of office or in his corporate capacity, at the time of his death, removal or resignation, shall thereupon become vested in, and shall belong to, the surviving inspector, as the successor of the senior inspector; or if there is then no other inspector, the same shall immediately upon the first appointment of an inspector, vest in, and belong to, the inspector so appointed.

(3) The Lieutenant-Governor in Council may by order direct that the rights, powers, duties, obligations, moneys or estates vested in or belonging to the senior inspector, shall become vested in and shall belong to the other inspector; and thereupon the rights, powers, duties, obligations, moneys or estates, vested in or belonging to the senior inspector as aforesaid, shall upon and by virtue of such order become vested in and belong to the other inspector as fully as if the senior inspector had died. 46 V. c. 30, s. 3 (2, 3).

8. Except as in the next preceding two sections provided, where the inspector of prisons and public charities is referred to in any Statute, by this or any other name, the reference shall be held to apply to either of such inspectors, or to that one of them to whom, under an order of the Lieutenant-Governor in Council, the duty or power to which the reference relates belongs. 46 V. c. 30, s. 4.

Reference in
Statutes to In-
spector to ap-
ply to either
Inspector.

9. The salaries of the inspectors shall be such amount as may be appropriated by the Legislature therefor. R. S. O. 1877, c. 224, s. 6; 41 V. c. 2, s. 39, Sched. B.

Inspectors'
salaries.

10. It shall be the duty of one of the inspectors to visit and inspect every gaol, house of correction, reformatory and prison

Inspectors'
duties.

Report to
Lieutenant-
Governor.

or place kept or used for the confinement of persons, in any part of this Province, other than the provincial penitentiary, at least twice in each year, and he may examine any person holding any office or receiving any salary or emolument in such place of confinement, as aforesaid, and call for and inspect all books and papers relating to such place of confinement; and may enquire into all matters concerning the said place of confinement; and each inspector shall make a separate and distinct report in writing to the Lieutenant-Governor of the state of every place of confinement visited by him. R. S. O. 1877, c. 224, s. 7.

Power of In-
spector in
instituting in-
quiries into
institutions
subject to his
inspection.

11. Where the inspector considers it expedient to institute an enquiry into the management of any of the said institutions, or of any other institution subject to be inspected by him, or into any matter in connection therewith, or into the truth of any return made by the officers of any of the said institutions, and considers it expedient that any of the officers of such institution or any other person should be required to give evidence before him on oath, the inspector shall have the same power to summon such officers or other persons to attend as witnesses, to enforce their attendance, and to compel them to produce documents and to give evidence, as any Court has in civil cases. R. S. O. 1877, c. 224, s. 8.

Power to re-
scind existing
regulations,
and to frame
others.

12.—(1) The inspectors shall have power from time to time, subject to the approval of the Lieutenant-Governor in Council, to alter, amend, cancel or rescind any existing rules or regulations for the government of the common gaols of this Province, and to frame and adopt other rules and regulations in that behalf, touching or extending to—

- (a) The maintenance of prisoners in regard to diet, clothing, bedding, and other necessities;
- (b) Their employment;
- (c) Medical attendance;
- (d) Religious instruction;
- (e) The conduct of the prisoners, and the restraint and punishment to which they may be subjected;

Regulations to
be submitted
to Lieut.-
Governor.

- (f) Also to the treatment and custody of the prisoners generally, the whole internal economy and management of the gaol, and all such matters connected therewith as may be considered by them expedient, which rules and regulations shall be submitted to the Lieutenant-Governor for his approval and confirmation.

Special regu-
lations by
County Coun-
cils.

(2) Nothing herein contained shall be held to prevent the county councils in this Province from making such special regulations as the peculiar circumstances of their respective gaols and localities may, in their opinion, require, such special regu-

lations not being inconsistent with this Act, or with the general rules and regulations to be made by the inspectors and approved by the Lieutenant-Governor, as aforesaid. R. S. O. 1877, c. 224, s. 9.

13. With respect to the asylums for the insane, at Toronto, London, Hamilton, Kingston and Orillia, an inspector shall at least three times a year, thoroughly examine the manner in which the said institutions are conducted, respectively, and examine the reports respectively made to him by the medical superintendents and bursars. R. S. O. 1877, c. 224, s. 10.

Examination of lunatic asylums.

14. The inspectors shall from time to time frame such by-laws as seem to them most conducive to the peace, welfare and good government of the said asylums, which said by-laws shall have effect when the Lieutenant-Governor has signified his assent thereto. R. S. O. 1877, c. 224, s. 11.

15. Each inspector shall, with his annual report to the Lieutenant-Governor, transmit the reports made to him by the medical superintendents and bursars, with his observations thereon. R. S. O. 1877, c. 224, s. 12.

Inspector's annual report.

16. An inspector shall, at least twice a year, and oftener if ordered by the Lieutenant-Governor, visit, examine and report upon the state and management of every hospital or other benevolent institution supported wholly by grant of public money, or by money levied under the authority of law. R. S. O. 1877, c. 224, s. 13.

Inspection of hospitals.

17. An inspector, whenever required by the Lieutenant-Governor so to do, shall visit, examine, and report to him upon the state, management and condition of every hospital or other benevolent institution supported, in part, by grant of public money, and, in case of refusal of admission into the same for the purpose of inspection, shall forthwith report such refusal to the Lieutenant-Governor, with the circumstances attending the same. R. S. O. 1877, c. 224, s. 14. See cap. 248, s. 11.

Report of the management, etc.

18. An inspector, whenever required to do so by the Lieutenant-Governor, and at least once in the year, shall visit, examine and report to him upon the state and management of every private lunatic asylum established under the provisions of *The Act respecting Private Lunatic Asylums*, and upon the condition of its inmates, and the Lieutenant-Governor in Council, after the receipt of any such report of the inspector may, suspend or revoke the license granted under the said Act. R. S. O. 1877, c. 224, s. 15.

Report on private lunatic asylums.

Rev. Stat. c. 246.

Revocation of license.

19. Each inspector shall have and perform the same powers and duties with respect to any other lunatic asylum or any asylum for idiots, or for the deaf, dumb or blind, that may

Asylum for idiots, deaf, dumb, and blind.

have been, or may be, erected at the public expense, as are vested in him by this Act with respect to the asylums for the insane hereinbefore mentioned. R. S. O. 1877, c. 224, s. 16. *See* cap. 247, s. 5.

Copy of proceedings to be sent to Lieut. Governor.

20. Each inspector shall keep an exact record of his proceedings, and transmit a copy thereof to the Lieutenant-Governor, under the hand of the said inspector. R. S. O. 1877, c. 224, s. 17.

General Annual Report.

21. Each inspector shall make an annual report to the Lieutenant-Governor as soon as may be after the 1st day of October in each year, which report shall contain a full and accurate report on the state, condition and management of the several asylums, hospitals, gaols and other institutions under his inspection, and inspected by him during the preceding year, together with such suggestions for the improvement of the same as he may deem necessary and expedient, and which report, as far as respects the reformatories under his inspection, shall comprise and embrace the following particulars, viz. :

Suggestions for improvements.

Particulars.

1. A copy of the warden's report to the inspector ;
2. Copies of the chaplain's report to the inspector ;
3. Copy of the physician's annual report ;
4. A return of the names, ages, country, calling and crimes of the offenders received into the reformatory during the year, and the township, county, town and city from which each came ;
5. A return of the names, ages, callings and crimes of the offenders who died in the reformatory during the year, and the township, county, town and city from which each came ;
6. A similar return of the offenders liberated during the year, by the expiration of the term for which they were sentenced ;
7. A similar return of the offenders who had the Royal pardon extended to them during the year ;
8. A tabular statement shewing the number of prisoners in the reformatory at the date to which the last previous annual report was made up, the number received during the year, the number discharged, the number then in confinement, and the average number in the reformatory during the year, shewing the particulars separately as to the male and female prisoners ;
9. A balance sheet of the affairs of the institution, at the 1st day of October of the year reported upon, shewing the amount of cash received from the public exchequer since the commencement of the institution and the existing assets thereof ;
10. A cash balance for the past year, shewing the sum on hand on the 1st day of October, the cash received through

the year from Government towards the support and expenses of the prison, the amount received for convict labour, and the amounts received on all other accounts during the year; the said balance sheet shall also shew separately the sums paid for food, bedding, clothing and hospital stores for the offenders, the salaries of the officers, fuel and light, for the erection of new buildings and repairs, for the support of the stable, and for all other items of expenditure, also the cash on hand at the close of the year;

11. A statement of all debts due by the institution, shewing the names of the parties to whom each sum is due, also shewing the debts, if any, due to the institution, with the amounts and ground of each debt;

12. An inventory and valuation of all the property, estate and effects of the institution, distinguishing the estimated value of the several descriptions of property;

13. An estimate of the receipts and expenditures for the current year, and of the amount of aid likely to be required from the Provincial Exchequer;

14. A statement shewing in what manner the offenders were employed as at the 1st day of October of the year reported on, and the average number at each trade or occupation during the year. R. S. O. 1877, c. 224, s. 18.

22. Every gaol erected in this Province shall be constructed and built according to a plan to be approved of by the inspector, and sanctioned by the Lieutenant-Governor; and no gaol built after the 4th day of March, 1868, in any county in Ontario, otherwise than according to a plan approved and sanctioned as aforesaid, or that does not, after its completion, receive the approval of the inspector, shall be deemed to be in law the gaol of such county. R. S. O. 1877, c. 224, s. 19.

Construction
of gaols.

23. An inspector, before deciding in any case upon the plan of a gaol most proper to be adopted, shall take into consideration—

Gaol plans,
consideration
of.

1. The nature and extent of the ground upon which such gaol or court house has been or is to be built;

Particulars.

2. Its relative situation to any streets and buildings, and to any river or other water;

3. Its comparative elevation and capability of being drained;

4. The material of which it has been or is to be composed;

5. The necessity of guarding against cold and dampness, and of providing properly for ventilation;

6. The proper classification of prisoners, having regard to their age, sex, and cause of their confinement;

7. The best means of ensuring their safe custody without the necessity of resorting to severe treatment ;

8. The due accommodation of the keeper of the gaol, so that he may have ready access to the prisoners and conveniently oversee them ;

9. The exclusion of any intercourse with persons without the walls of the building ;

10. The prevention of nuisances, from whatever cause ;

11. The combining provision, as well for the reformation of convicts, as far as may be practicable, as for their employment, in order that the common gaols may really serve for places of correction ;

12. The admission of prisoners to air and exercise without the walls of the building ; and

13. The enclosure of the yard and premises with a secure wall. R. S. O. 1877, c. 224, s. 20.

Gaol repairs.

Report to the
Lieut.-Governor.

Copy furnished to the
County Council.

By-law for
repairs.

In default of
repairs - proceeding by
mandamus.

24. In case an inspector at any time finds that the common gaol in any county or city in this Province is out of repair—or is or has become unsafe or unfit for the confinement of prisoners, or is not constructed or maintained in conformity with the provisions of the next preceding section, or that the same does not afford sufficient space or room for the number of prisoners usually confined therein—he shall forthwith report the fact to the Lieutenant-Governor, and shall at the same time furnish a copy of such report to the council of the county or city to which such common gaol belongs, and the council shall thereupon appoint a special committee to confer with the inspector, and to arrange with him as to the repairs, alterations or additions that may be deemed necessary to remedy the defect so reported upon by the inspector, and to report the same to the council, and in case the inspector and the committee do not agree upon the repairs, alterations and additions, the matter shall then be referred to the Lieutenant-Governor in Council to decide between them, which decision shall be reported to the council ; and it shall be the duty of the council in either case, by by-law, to order and provide for the making of the repairs, alterations or additions, and for the appropriation of any money that may be required for that purpose, and in default thereof the council may be proceeded against by *mandamus* issued out of the High Court at the instance and prosecution either of the Attorney-General for Ontario or any private prosecutor, to compel the making by the council of such repairs, alterations or additions, and the council and the members and officers thereof shall be subject to all the process of the Courts for contempt of the orders or process thereof. R. S. O. 1877, c. 224, s. 21.

25. The inspector and the special committee of the county or city council shall, in arranging the particulars of the necessary repairs, alterations or additions, as aforesaid, have due regard to the plan of the gaol, and to the ability of the council to meet the expense thereof, and in the case of alterations or additions, shall make the same as few and inexpensive as, in their opinion, the requirements of this Act and of the public service will admit. R. S. O. 1877, c. 224, s. 22.

26. The provisions of this Act as to the inspection, construction, and repairing of gaols shall, so far as may be, apply to court houses. 44 V. c. 5, s. 89.

27. The Lieutenant-Governor may authorize such person or persons as he thinks fit, to perform, under the supervision of an inspector, or otherwise as the Lieutenant-Governor may direct, any of the duties belonging to the office of the inspector, and in the performance of the duties such person or persons may exercise the like powers and authorities as are possessed by the inspector. R. S. O. 1877, c. 224, s. 25.

28. All actions and prosecutions against any person or persons for anything done in pursuance of this Act, shall be laid and tried in the county where the fact was committed, and shall be commenced within six months after the fact committed, and not otherwise or afterwards. R. S. O. 1877, c. 224, s. 26.

SCHEDULE A.

SCHEDULE of Acts and parts of Acts repealed from the day upon which the Revised Statutes of Ontario, 1887, take effect.

[NOTE.—Sections 6 and 7 of 50 V. c. 2, provide as follows:—

“6. Such repeal shall not be construed as intended to extend to such of the provisions of said Acts and parts of Acts as relate to subjects in regard to which the Parliament of Canada has exclusive powers of legislation; but the said Acts and parts of Acts (in so far only as is necessary to give effect to every such provision) shall remain in full force and effect, subject however, to section 9 of this Act.”

“7. The repeal of the said Acts and parts of Acts shall not revive any Act or provision of law repealed by them; nor shall the said repeal prevent the effect of any saving clause in the said Acts and parts of Acts, or the application of any of the said Acts or parts of Acts or of any Act or provision of law formerly in force, to any transaction, matter or thing anterior to the said repeal, to which they would otherwise apply.”]

| Chapter. | TITLE OF ACT. | EXTENT OF REPEAL. |
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REVISED STATUTES OF ONTARIO.—1877.

| | | |
|----|--|------------|
| 1 | An Act respecting the Form and Interpretation of the Statutes. | The whole. |
| 2 | An Act respecting the Printing and Distribution of the Statutes. | The whole. |
| 3 | An Act respecting the Boundary between the Provinces of Ontario and Quebec. | The whole. |
| 4 | An Act respecting the Northerly and Westerly Boundaries of the Province of Ontario. | The whole. |
| 5 | An Act respecting the Territorial Division of Ontario. | The whole. |
| 6 | An Act respecting the Provisional County of Haliburton. | The whole. |
| 7 | An Act respecting the Territorial Districts of Muskoka, Parry Sound and Thunder Bay. | The whole. |
| 8 | An Act respecting the Representation of the People in the Legislative Assembly. | The whole. |
| 9 | An Act respecting Voters' Lists. | The whole. |
| 10 | An Act respecting Elections of Members of the Legislative Assembly. | The whole. |
| 11 | An Act respecting Controverted Elections of Members of the Legislative Assembly. | The whole. |
| 12 | An Act respecting the Legislative Assembly. | The whole. |
| 13 | An Act respecting the Lieutenant-Governor and his Deputies. | The whole. |
| 14 | An Act respecting the Executive Council. | The whole. |
| 15 | An Act respecting Public Officers. | The whole. |
| 16 | An Act respecting the Office of Sheriff. | The whole. |
| 17 | An Act respecting Inquiries concerning Public Matters. | The whole. |
| 18 | An Act respecting the Publication of Official Notices. | The whole. |
| 19 | An Act respecting the Consolidated Revenue Fund of Ontario. | The whole. |

| Chapter. | TITLE OF ACT. | EXTENT OF REPEAL. |
|----------|---|--|
| 20 | An Act respecting the Collection and Management of the Revenue, and the Liability of Public Accountants. | The whole. |
| 21 | An Act respecting Law Stamps. | The whole. |
| 22 | An Act respecting the Taxation of Patented Lands in Algoma. | The whole. |
| 23 | An Act respecting the Sale and Management of Public Lands. | The whole. |
| 24 | An Act respecting Free Grants and Homesteads to Actual Settlers on Public Lands. | The whole. |
| 25 | An Act respecting the Heir, Devisee and Assignee Commission. | The whole. |
| 26 | An Act respecting the Sale and Management of Timber on Public Lands. | The whole, except section 21. |
| 27 | An Act to prevent Trespasses to Public Lands. | The whole. |
| 28 | An Act respecting the Clergy Reserves. | The whole. |
| 29 | An Act respecting Mining. | The whole. |
| 30 | An Act respecting the Public Works of Ontario. | The whole. |
| 31 | An Act respecting Riots near Public Works. | The whole. |
| 32 | An Act respecting the Sale of Intoxicating Liquors near Public Works. | The whole. |
| 33 | An Act respecting the Expenditure of Public Money for Drainage Works. | The whole. |
| 34 | An Act respecting the Investment of Public Money in Debentures issued for the Construction of Drainage Works by Municipalities. | The whole, except section 8. |
| 36 | An Act respecting the Registration of Births, Marriages and Deaths. | The whole. |
| 37 | An Act respecting the Supreme Court of Canada and the Exchequer Court of Canada. | The whole. |
| 38 | An Act respecting the Court of Appeal. | The whole. |
| 39 | An Act respecting the Courts of Queen's Bench and Common Pleas. | The whole, except section 19. |
| 40 | An Act respecting the Court of Chancery. | The whole. |
| 41 | An Act respecting Courts of Assize and <i>Nisi Prius</i> and of Oyer and Terminer and General Gaol Delivery. | The whole. |
| 42 | An Act respecting County Judges and the Local Courts. | The whole. |
| 43 | An Act respecting the County Courts. | The whole. |
| 44 | An Act respecting the Courts of General Sessions of the Peace. | The whole. |
| 45 | An Act respecting the County Judges' Criminal Courts. | The whole. |
| 46 | An Act respecting the Surrogate Courts. | The whole, except sections 76-78. |
| 47 | An Act respecting the Division Courts. | The whole. |
| 49 | An Act for the better Administration of Justice in the Courts of Ontario. | The whole. |
| 50 | An Act respecting the Procedure of the Superior Courts of Common Law and of the County Courts. | The whole, except sections 140, 143 and 345. |
| 51 | An Act respecting the Practice in Actions of Ejectment. | The whole, except sections 56, 57 and 75. |
| 52 | An Act respecting Writs of Prohibition, Mandamus and Injunction | The whole. |
| 53 | An Act respecting Actions of Replevin. | The whole. |
| 54 | An Act respecting Interpleading. | The whole. |
| 55 | An Act respecting the Procedure in Actions of Dower. | The whole. |
| 56 | An Act respecting Actions of Libel and Slander. | The whole. |
| 57 | An Act respecting the Action of Seduction. | The whole. |

| Chapter. | TITLE OF ACT. | EXTENT OF REPEAL. |
|----------|---|---|
| 58 | An Act respecting the Practice in Suits and Proceedings instituted on behalf of the Crown. | The whole. |
| 59 | An Act respecting the Procedure in Suits against the Crown by Petition of Right. | The whole. |
| 60 | An Act respecting the Administration by the Crown of the Estates of Intestates in certain cases. | The whole. |
| 61 | An Act respecting the Limitation of certain Actions. | The whole. |
| 62 | An Act respecting Witnesses and Evidence. | The whole. |
| 63 | An Act respecting Commissioners for taking Affidavits and Affirmations. | The whole, except section 2. |
| 64 | An Act respecting the Costs of Arbitrations. | The whole. |
| 65 | An Act respecting the Costs of Levying Distress for Small Rents and Penalties. | The whole. |
| 66 | An Act respecting Writs of Execution. | The whole, except sections 33, 43 and 70. |
| 67 | An Act respecting Arrest and Imprisonment for Debt. | The whole. |
| 68 | An Act respecting Absconding Debtors. | The whole. |
| 69 | An Act respecting the Relief of Indigent Debtors. | The whole. |
| 70 | An Act for more effectually securing the Liberty of the Subject. | The whole. |
| 71 | An Act respecting the Qualification and Appointment of Justices of the Peace. | The whole. |
| 72 | An Act respecting Police Magistrates. | The whole. |
| 73 | An Act to protect Justices of the Peace and other Officers from Vexatious Actions. | The whole. |
| 74 | An Act respecting Summary Convictions before Justices of the Peace. | The whole. |
| 75 | An Act respecting the Procedure on Appeals to the Judge of a County Court from Summary Convictions. | The whole. |
| 76 | An Act respecting Returns of Convictions and Fines by Justices of the Peace. | The whole. |
| 77 | An Act respecting the Fees of Justices of the Peace. | The whole. |
| 78 | An Act respecting County Crown Attorneys. | The whole. |
| 79 | An Act respecting Coroners. | The whole, except section 12. |
| 80 | An Act respecting Commissioners to take Recognizances of Bail. | The whole. |
| 81 | An Act respecting Commissioners of Police. | The whole. |
| 82 | An Act respecting Constables. | The whole. |
| 83 | An Act respecting Special Constables. | The whole. |
| 84 | An Act respecting the Fees of Counsel and other Officers in the Administration of Justice. | The whole. |
| 85 | An Act respecting the Expenditure of County Funds in certain cases. | The whole. |
| 86 | An Act respecting the Expenses of the Administration of Justice in Criminal Matters. | The whole. |
| 87 | An Act to provide for the payment of Witnesses for the Crown. | The whole. |
| 88 | An Act respecting Estreats. | The whole. |
| 89 | An Act respecting the Appropriation of Fines and Forfeitures in certain cases. | The whole. |
| 90 | An Act respecting the Administration of Justice in Unorganized Tracts. | The whole. |
| 91 | An Act to provide for the better government of that part of Ontario situated in the vicinity of the Falls of Niagara. | The whole. |
| 92 | An Act respecting Property and Civil Rights. | The whole. |
| 93 | An Act respecting Crown Debtors. | The whole. |

| Chapter. | TITLE OF ACT. | EXTENT OF REPEAL. |
|----------|---|----------------------|
| 94 | An Act respecting Escheats and Forfeitures. | The whole. |
| 95 | An Act to amend the Law of Property in Ontario. | The whole. |
| 96 | An Act respecting the Right of Property in Swarms of Bees. | The whole. |
| 97 | An Act respecting the rights of Aliens in relation to Real Property. | The whole. |
| 98 | An Act respecting the Transfer of Real Property. | The whole. |
| 99 | An Act respecting Mortgages of Real Estate. | The whole. |
| 100 | An Act respecting the Assurance of Estates Tail. | The whole. |
| 101 | An Act respecting the Partition and Sale of Real Estate. | The whole. |
| 102 | An Act respecting Short Forms of Conveyances. | The whole. |
| 103 | An Act respecting Short Forms of Leases. | The whole. |
| 104 | An Act respecting Short Forms of Mortgages. | The whole. |
| 105 | An Act respecting the Descent of Real Property. | The whole. |
| 106 | An Act respecting Wills. | The whole. |
| 107 | An Act respecting Trustees and Executors, and the Administration of Estates. | The whole. |
| 108 | An Act respecting the Limitation of Suits relating to Real Property, and the time of prescription in certain cases. | The whole. |
| 109 | An Act to amend the Law of Vendor and Purchaser and to Simplify Titles. | The whole. |
| 110 | An Act for Quieting Titles to Real Estate. | The whole. |
| 111 | An Act respecting the Registration of Instruments relating to Lands. | The whole. |
| 112 | An Act respecting Ferries. | The whole. |
| 113 | An Act respecting Mills and Mill-Dams. | The whole. |
| 114 | An Act respecting Water Privileges. | The whole. |
| 115 | An Act respecting Rivers and Streams. | The whole. |
| 116 | An Act to amend the Mercantile Law. | The whole. |
| 117 | An Act respecting written Promises and Acknowledgements of Liability. | The whole. |
| 118 | An Act respecting the Fraudulent Preference of Creditors by persons in insolvent circumstances. | The whole. |
| 119 | An Act respecting Mortgages and Sales of Personal Property. | The whole. |
| 120 | An Act to establish Liens in favour of Mechanics, Machinists and others. | The whole. |
| 121 | An Act respecting Contracts in relation to Goods entrusted to Agents. | The whole. |
| 122 | An Act respecting Limited Partnerships. | The whole. |
| 123 | An Act respecting the Registration of Co-partnerships and Business Firms. | The whole. |
| 124 | An Act respecting the Solemnization of Marriages. | The whole. |
| 125 | An Act respecting certain rights of Property of Married Women. | Sections 1-5. |
| 126 | An Act respecting Dower. | The whole. |
| 127 | An Act to facilitate the Conveyance of Real Estate by Married Women. | The whole. |
| 128 | An Act respecting Compensation to the Families of Persons killed by Accident, and in Duels. | The whole. |
| 130 | An Act respecting the Custody of Infants. | The whole. |
| 131 | An Act respecting the Support of Illegitimate Children. | The whole. |
| 132 | An Act respecting Guardians of Infants. | The whole. |
| 133 | An Act respecting Master and Servant. | The whole. |
| 134 | An Act to facilitate the adjustment of Disputes between Masters and Workmen. | The whole. |
| 135 | An Act respecting Apprentices and Minors. | The whole. |
| 136 | An Act respecting the Law of Landlord and Tenant. | The whole. |
| 137 | An Act respecting Overholding Tenants. | The whole. |
| 138 | An Act respecting the Law Society of Upper Canada. | The whole. |
| 139 | An Act respecting Barristers-at-Law. | The whole. |
| 140 | An Act respecting Attorneys-at-Law. | The whole. |

| Chapter. | TITLE OF ACT. | EXTENT OF REPEAL. |
|----------|--|---------------------------|
| 141 | An Act respecting Notaries Public. | |
| 142 | An Act respecting the Profession of Medicine and Surgery. | The whole. |
| 144 | An Act respecting Dentistry. | The whole. |
| 147 | An Act to amend the Law respecting the Rights and Liabilities of Innkeepers. | The whole. |
| 148 | An Act respecting Pawnbrokers and Pawnbroking. | |
| 149 | An Act containing General Provisions applicable to Joint Stock Companies incorporated by Special Act for certain purposes. | The whole. |
| 150 | An Act respecting the Incorporation of Joint Stock Companies by Letters Patent. | The whole. |
| 151 | An Act respecting Telegraph Companies. | The whole. |
| 152 | An Act respecting Joint Stock Companies for the Construction or Purchase of Roads and other Works. | The whole. |
| 153 | An Act respecting Joint Stock Companies for the Construction of Works to facilitate the transmission of Timber down Rivers and Streams. | Sections 27, 28 and 41-75 |
| 154 | An Act respecting Joint Stock Companies for the Construction of Piers, Wharves, Dry Docks and Harbours. | The whole. |
| 155 | An Act respecting Joint Stock Companies for the Erection of Exhibition Buildings. | The whole. |
| 156 | An Act respecting Mining Companies. | |
| 157 | An Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water. | The whole. |
| 158 | An Act respecting Co-operative Associations. | The whole. |
| 159 | An Act to protect Cheese and Butter Manufacturers. | The whole. |
| 163 | An Act to authorize Corporations and Institutions incorporated out of Ontario to lend and invest moneys therein. | The whole. |
| 164 | An Act respecting Building Societies. | |
| 165 | An Act respecting Railways. | The whole. |
| 167 | An Act respecting Benevolent, Provident and other Societies. | The whole. |
| 169 | An Act respecting Immigration Aid Societies. | The whole. |
| 170 | An Act respecting Cemetery Companies. | The whole. |
| 171 | An Act respecting Conveyances to Trustees for Burial Places. | The whole. |
| 172 | An Act respecting the Changing of the Names of Incorporated Companies. | The whole. |
| 173 | An Act respecting the Acceptance of Certain Incorporated Companies as Sureties. | The whole. |
| 175 | An Act respecting the Establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay. | The whole. |
| 176 | An Act respecting the Registration of Municipal and certain other Debentures. | The whole. |
| 177 | An Act respecting Public Meetings. | |
| 178 | An Act to exempt Firemen from certain Local Services. | The whole. |
| 180 | An Act respecting the Assessment of Property. | The whole. |
| 181 | An Act respecting the Sale of Fermented or Spirituous Liquors. | The whole. |
| 183 | An Act to regulate Travelling on Public Highways and Bridges. | The whole. |
| 184 | An Act exempting certain Vehicles, Horses and other Cattle from Tolls on Turnpike Roads. | The whole. |
| 185 | An Act respecting Double Tracks in Snow Roads. | |
| 186 | An Act to authorize and regulate the use of Traction Engines on Highways. | The whole. |
| 189 | An Act to prevent the Profanation of the Lord's Day. | The whole. |
| 190 | An Act respecting the Public Health. | The whole. |
| 191 | An Act respecting Vaccination and Inoculation. | The whole. |
| 192 | An Act to regulate the means of Egress from Public Buildings. | The whole. |

| Chapter. | TITLE OF ACT. | EXTENT OF REPEAL. |
|----------|--|-------------------|
| 193 | An Act to require the Owners of Threshing and other Machines to guard against Accidents. | The whole. |
| 194 | An Act to impose a Tax on Dogs and for the Protection of Sheep. | The whole. |
| 195 | An Act respecting Pounds. | The whole. |
| 196 | An Act respecting the Investigation of Accidents by Fire. | The whole. |
| 197 | An Act respecting Abandoned Oil Wells. | The whole. |
| 198 | An Act respecting Line Fences. | The whole. |
| 201 | An Act for the Protection of Insectivorous and other Birds Beneficial to Agriculture. | The whole. |
| 202 | An Act to encourage the Destroying of Wolves. | The whole. |
| 207 | An Act respecting Conveyances to Trustees for School Purposes. | The whole. |
| 212 | An Act respecting the School of Practical Science. | The whole. |
| 214 | An Act respecting Tithes. | The whole. |
| 215 | An Act respecting Rectories. | The whole. |
| 216 | An Act respecting the Property of Religious Institutions. | The whole. |
| 217 | An Act respecting the Central Prison. | The whole. |
| 219 | An Act respecting the use of Spirituous Liquors in Gaols and Prisons. | The whole. |
| 220 | An Act respecting Lunatic Asylums and the Custody of Insane Persons. | The whole. |
| 221 | An Act respecting Private Lunatic Asylums. | The whole. |
| 222 | An Act respecting Institutions for the Education and Instruction of the Deaf and Dumb and the Blind. | The whole. |
| 223 | An Act to regulate Public Aid to Charitable Institutions. | The whole. |
| 224 | An Act to provide for the Inspection of Asylums, Hospitals, Common Gaols and Reformatories in this Province. | The whole. |

41 VICT.—1878.

| | | |
|----|--|---|
| 2 | An Act respecting the Public Service of Ontario. | The whole. |
| 4 | An Act respecting the Magistracy. | The whole. |
| 5 | An Act respecting the Winding Up of Joint Stock Companies. | The whole. |
| 6 | An Act to confirm the Revised Statutes of Ontario. | The whole. |
| 7 | An Act to amend the Law respecting Building Societies. | The whole. |
| 8 | An Act to make certain amendments in the Revised Statutes. | The whole, except that part of section 12 after the word "mort- gages" in line 7. |
| 9 | An Act respecting Investments in Tile Drainage Debentures. | The whole. |
| 10 | An Act to amend the Line Fences Act. | The whole. |
| 11 | An Act respecting Bridges in Villages | The whole. |
| 13 | An Act to amend the Assessment Act. | The whole. |
| 14 | An Act to amend the License Act, and for other purposes. | The whole, except section 4. |
| 17 | An Act to amend "The Mechanics' Lien Act." | The whole. |
| 21 | An Act to give finality to Voters' Lists, and for other purposes. | The whole. |
| 22 | An Act to amend the Revised Statute for the Protection of Insectivorous and other Birds beneficial to Agriculture. | The whole. |
| 23 | An Act to preserve the Forests from Destruction by Fire. | The whole. |
| 24 | An Act to provide for employing persons without the Walls of Common Gaols. | The whole. |
| 25 | An Act to extend the Religious Institutions Act to the Church of England in Ontario. | The whole. |

| Chapter. | TITLE OF ACT. | EXTENT OF REPEAL. |
|-----------------------|---|--|
| 42 VICT.—1879. | | |
| 2 | An Act respecting the Northerly and Westerly Boundaries of Ontario. | The whole. |
| 3 | An Act to make further provisions respecting Voters' Lists. | The whole. |
| 4 | An Act to make further provisions respecting Elections of Members of the Legislative Assembly. | The whole. |
| 5 | An Act respecting the Office of Sheriff. | The whole. |
| 6 | An Act to extend the Act respecting the Heir, Devisee and Assignee Commission. | The whole. |
| 7 | An Act for the further Investment of Public Money in Municipal Drainage Debentures. | The whole. |
| 8 | An Act to authorize Investments in Municipal Debentures issued in aid of Stone or Timber Drainage. | The whole. |
| 12 | An Act respecting the Registration of Deaths. | The whole. |
| 15 | An Act to make certain provisions respecting the Practice of the Courts. | The whole. |
| 16 | An Act to amend the Law as to the Limitation of Actions. | The whole, except that part of sec- tion 1 after the word "accrued" in line 8. |
| 17 | An Act to amend the Act respecting Coroners. | The whole. |
| 18 | An Act to amend the Act respecting the Fees of Counsel and other Officers in the Administration of Justice. | The whole. |
| 20 | An Act to give to Mortgagees certain powers now commonly inserted in Mortgages. | The whole. |
| 21 | An Act respecting Investments of Trust Funds. | The whole. |
| 22 | An Act to amend the Law of Dower. | The whole. |
| 23 | An Act to extend the powers of Gas Companies. | The whole. |
| 24 | An Act respecting Steam and Heating Companies. | The whole. |
| 26 | An Act to amend the Building Societies Act. | The whole. |
| 27 | An Act to amend the Railway Act of Ontario. | The whole. |
| 30 | An Act to extend the right of taking the Security of Guarantee Companies. | The whole. |
| 31 | An Act to amend the Municipal Law. | The whole. |
| 32 | An Act to amend the Assessment Act. | The whole. |
| 36 | An Act to authorize certain variations in Deeds to Trustees for Religious Institutions. | The whole. |
| 37 | An Act respecting the application of the Religious Institutions Act to the Church of England. | The whole. |
| 38 | An Act respecting the Andrew Mercer Ontario Reformatory for Females. | The whole. |
| 39 | An Act to establish an Industrial Refuge for Girls. | The whole. |

43 VICT.—1880.

| | | |
|---|---|------------|
| 3 | An Act respecting Public Officers of Ontario. | The whole. |
| 4 | An Act to amend the Free Grants and Homesteads Act. | The whole. |
| 6 | An Act respecting Tile, Stone or Timber Drainage. | Section 2. |
| 7 | An Act respecting the Proof of Proceedings in Provincial and Colonial Courts. | The whole. |

| Chapter. | TITLE OF ACT. | EXTENT OF |
|----------|--|---|
| | | REPEAL. |
| 8 | An Act to extend the Jurisdiction and to regulate the Offices of Division Courts. | The whole, except sections 7 and 54. |
| 10 | An Act to abolish Priority of and amongst Execution Creditors. | The whole, except section 3. |
| 11 | An Act respecting Coroners' Inquests. | The whole. |
| 12 | An Act respecting the Administration of Justice in the Districts of Algoma, Thunder Bay and Nipissing. | The whole, except subsection 4 of section 12. |
| 14 | An Act to amend certain particulars in the Law of Real Property. | The whole. |
| 15 | An Act to amend the Revised Statute respecting Mortgages and Sales of Personal Property. | The whole. |
| 16 | An Act to Protect the Goods of Lodgers and Boarders against Distresses for Rent due to the Superior Landlord. | The whole. |
| 18 | An Act to extend the powers of Joint Stock Companies for the Erection of Exhibition Buildings. | The whole. |
| 19 | An Act respecting Companies incorporated under Imperial Statutes. | The whole. |
| 21 | An Act for the relief of Building, Loan and Savings Societies and Companies. | The whole. |
| 22 | An Act for the relief of Co-operative Associations. | The whole. |
| 23 | An Act respecting the Incorporation of Cemetery Companies by Letters Patent. | The whole. |
| 24 | An Act to amend the Municipal Act. | The whole. |
| 26 | An Act respecting the Support of Destitute Insane Persons. | The whole. |
| 27 | An Act respecting Municipal Assessments and Exemptions. | The whole. |
| 28 | An Act respecting the Collection of Taxes in the Districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay. | The whole. |
| 33 | An Act respecting the Agricultural College. | The whole. |
| 34 | An Act respecting the Ontario Reformatory for Boys. | The whole. |
| 35 | An Act respecting the Removal of Persons from County Gaols to Provincial Institutions. | The whole. |
| 36 | An Act to make further provision respecting the Estates of Persons confined in Asylums for the Insane. | The whole. |

44 VICT.—1881.

| | | |
|----|---|--|
| 2 | An Act to amend the Act respecting the Sale and Management of Timber on Public Lands. | The whole. |
| 3 | An Act to amend the Ontario Drainage Act. | The whole. |
| 4 | An Act to amend the Law respecting the Registration of Births, Marriages and Deaths. | The whole. |
| 5 | An Act to Consolidate the Superior Courts; establish a uniform system of pleading and practice; and make further provision for the due Administration of Justice. | The whole, except sections 6, 7, 8, 57 and 90 (1). |
| 7 | An Act respecting Interpleader. | The whole. |
| 8 | An Act to regulate the Fees of certain Officers and others. | The whole, except section 1. |
| 10 | An Act to amend the Registry Act. | The whole. |
| 12 | An Act to further amend the Revised Statute respecting Mortgages and Sales of Personal Property. | The whole. |

| Chapter. | TITLE OF ACT. | EXTENT OF REPEAL. |
|----------|---|------------------------------|
| 13 | An Act to amend the Act respecting the Registration of Co-partnerships and Business Firms. | The whole. |
| 14 | An Act to further provide for the Release of Dower of Married Women in certain cases. | The whole. |
| 16 | An Act respecting the Appointment of Guardians for Infants. | The whole. |
| 17 | An Act to extend the powers of the Law Society of Upper Canada. | The whole. |
| 18 | An Act to extend the powers of Companies incorporated under the Joint Stock Companies' Letters Patent Act. | The whole. |
| 19 | An Act for the incorporation by Letters Patent and the regulation of Timber Slide Companies. | The whole. |
| 21 | An Act respecting Returns required from Incorporated Companies. | The whole. |
| 22 | An Act to make provision for the safety of Railway Employees and the Public. | The whole, except section 4. |
| 25 | The Assessment Amendment Act, 1881. | The whole. |
| 26 | An Act respecting Snow Fences. | The whole. |
| 27 | An Act to give increased efficiency to the Laws against Illicit Liquor Selling. | The whole. |
| 29 | An Act to amend the Act for the Protection of Insectivorous and other Birds beneficial to Agriculture. | The whole. |
| 32 | An Act to make further provision respecting the Central Prison, the Andrew Mercer Ontario Reformatory for Females, and the Industrial Refuge for Girls. | The whole. |

45 VICT.—1882.

| | | |
|----|--|--|
| 2 | An Act respecting the Sale of Lands in Algoma for Government Taxes. | The whole. |
| 6 | An Act respecting the Jurisdiction of the Court of Appeal. | The whole. |
| 7 | An Act relating to Division Courts in the Districts of Nipissing, Muskoka, Parry Sound and Thunder Bay, and to amend the Division Courts Acts. | The whole. |
| 9 | An Act to amend the Law of Newspaper Libel. | The whole. |
| 10 | An Act for the removal of certain defects in the Law of Evidence. | The whole. |
| 11 | An Act to make provision in regard to certain Legal Matters. | The whole, except that part of section 1 after the word, "be-half" in line 13. |
| 12 | An Act respecting the Restitution of Stolen Goods. | The whole. |
| 13 | An Act to amend the Act respecting Ferries. | The whole. |
| 15 | An Act to make further provision respecting the Lien of Mechanics and Labourers. | The whole. |
| 16 | An Act to amend the Act respecting the Rights and Liabilities of Innkeepers. | The whole. |
| 17 | An Act to confer additional powers upon Joint Stock Companies. | The whole. |
| 18 | An Act to Extend the Powers of Companies for supplying Cities, Towns and Villages with Gas and Water. | The whole. |
| 19 | An Act respecting Companies for supplying Electricity for the purposes of Light, Heat and Power. | The whole. |

| Chapter. | TITLE OF ACT. | EXTENT OF |
|----------|--|------------|
| | | REPEAL. |
| 21 | An Act to provide for the crossing of Railways by Streets, Drains and Water Mains. | The whole. |
| 22 | An Act to provide for the Establishment of Free Libraries. | The whole. |
| 25 | An Act to provide for the Construction of Water-Works by Cities, Towns and Villages. | The whole. |
| 26 | An Act to make further provision for the Construction of Drainage Works by Municipalities. | The whole. |
| 28 | An Act to amend the Assessment Act. | The whole. |
| 29 | An Act to establish a Provincial Board of Health and to give increased powers to Local Boards of Health. | The whole. |
| 31 | An Act to amend the Act respecting the Property of Religious Institutions. | The whole. |
| 32 | An Act to amend the Act respecting Lunatic Asylums and the Custody of Insane Persons. | The whole. |

46 VICT.—1883.

| | | |
|----|---|--------------------------------|
| 2 | An Act to make further provision respecting Elections to the Legislative Assembly. | The whole. |
| 6 | An Act for the better Administration of Justice in this Province. | The whole. |
| 7 | An Act to consolidate and amend the Acts respecting Jurors and Juries. | The whole. |
| 8 | An Act to amend the Law respecting the Administration of Justice in Criminal Matters. | The whole. |
| 9 | An Act to extend the Act respecting Trustees and Executors and the Administration of Estates. | The whole. |
| 11 | An Act to amend the Revised Act respecting the Solemnization of Marriages. | The whole, except section 4. |
| 12 | An Act respecting the Release of Dower in certain cases. | The whole. |
| 13 | An Act to amend the Act respecting Joint Stock Companies for the construction or purchase of Roads and other works. | The whole. |
| 14 | An Act to Amend the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water. | The whole. |
| 16 | An Act to authorize the construction of Street Railways. | The whole. |
| 18 | An Act to consolidate the Acts respecting Municipal Institutions. | The whole, except section 476. |
| 19 | An Act to facilitate the establishment of Free Libraries. | The whole. |
| 20 | An Act to provide for the establishment and maintenance of Public Parks in Cities and Towns. | The whole. |
| 21 | An Act to authorize Cities, Towns and Villages to provide Gas and other means of Lighting and Heating. | The whole. |
| 22 | An Act to provide for the performance of Statute Labour in unincorporated Townships. | The whole. |
| 23 | An Act respecting appeals to Stipendiary Magistrates from Municipal Assessment in Algoma, Muskoka, Parry Sound, Nipissing, and Thunder Bay. | The whole. |
| 24 | An Act to amend the Assessment Act. | The whole. |
| 25 | An Act to amend the Act respecting the Sale of Fermented or Spirituous Liquors. | The whole. |
| 26 | An Act to encourage the Planting and Growing of Trees. | The whole. |

| Chapter. | TITLE OF ACT. | EXTENT OF REPEAL. |
|----------|--|----------------------|
| 27 | An Act respecting Ditches and Watercourses. | The whole. |
| 28 | An Act respecting Private Asylums for Insane Persons and Inebriates. | The whole. |
| 29 | An Act respecting Industrial Schools. | The whole. |
| 30 | An Act respecting the Office of Inspector of Prisons and Public Charities, and respecting Persons committed as Lunatics. | The whole. |

47 VICT.—1884.

| | | |
|----|---|----------------------------------|
| 2 | An Act respecting the Territory in Dispute between this Province and the Province of Manitoba. | The whole, except section 29. |
| 3 | An Act to define the limits of the Districts of Algoma, Muskoka, Parry Sound and Nipissing, and of the County of Renfrew. | The whole. |
| 4 | An Act for the amendment of the Election Law and for the better prevention of corrupt and illegal practices at Elections to the Legislative Assembly. | The whole. |
| 6 | An Act respecting Securities vested in the Treasurer of the Province. | The whole. |
| 7 | An Act to enable Free Grant Settlers to obtain further Locations. | The whole. |
| 8 | An Act to amend the Ontario Drainage Act. | The whole. |
| 9 | An Act to amend the Division Courts Act. | The whole. |
| 10 | An Act for further improving the Administration of the Law. | The whole. |
| 11 | An Act respecting the Distribution of Estates of which the Attorney-General is Administrator or Trustee. | The whole. |
| 12 | An Act to amend the Act respecting Coroners' Inquests. | The whole. |
| 13 | An Act to amend the Act respecting the Expenditure of County Funds, in certain cases. | The whole. |
| 14 | An Act respecting the District of Algoma and Thunder Bay. | The whole. |
| 15 | An Act to amend an Act respecting the Administration of Justice in Unorganized Tracts. | The whole. |
| 16 | An Act respecting Proceedings on Mortgages. | The whole. |
| 17 | An Act for protecting the Public Interest in Rivers, Streams and Creeks. | The whole. |
| 18 | An Act to amend the Mechanics' Lien Acts. | The whole. |
| 19 | An Act respecting the Property of Married Women. | The whole. |
| 20 | An Act to secure to Wives and Children the Benefit of Life Insurance. | The whole. |
| 21 | An Act to extend the provisions of the Revised Statute respecting Master and Servant. | The whole. |
| 22 | An Act respecting Pharmacy. | The whole. |
| 23 | An Act to amend the Act respecting Pawnbrokers and Pawnbroking. | The whole. |
| 24 | An Act to amend the Acts relating to Road Companies. | The whole. |
| 25 | An Act to amend the Timber Slide Companies' Act of 1881. | The whole. |
| 26 | An Act to amend the Acts respecting the Supplying of Gas and Water. | The whole. |
| 27 | An Act respecting Co-operative Associations, Joint Stock Companies, Benevolent Societies, and other Corporations. | The whole. |
| 29 | An Act respecting Building Societies. | The whole. |
| 30 | An Act to amend the Railway Act of Ontario. | The whole. |
| 32 | The Municipal Amendment Act, 1884. | The whole, except section 22. |
| 33 | An Act to amend the Revised Statute respecting Municipal Institutions in Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay. | The whole. |

| Chapter. | TITLE OF ACT. | EXTENT OF REPEAL. |
|----------|--|----------------------|
| 34 | An Act to improve the Liquor License Laws. | The whole. |
| 36 | An Act to amend the Ontario Tree Planting Act, 1883. | The whole. |
| 37 | An Act to prevent the Spread of Noxious Weeds and of Diseases affecting Fruit Trees. | The whole. |
| 38 | An Act to make further provisions respecting the Public Health. | The whole. |
| 39 | An Act for the Protection of Persons employed in Factories. | The whole. |
| 40 | An Act to amend the Act to impose a Tax on Dogs, and for the Protection of Sheep. | The whole. |
| 41 | An Act to prevent the Spread of Contagious Diseases among Horses and other Domestic Animals. | The whole. |
| 42 | An Act to further amend the Line Fences Act. | The whole. |
| 43 | An Act to amend the Act respecting Ditches and Watercourses. | The whole. |
| 46 | An Act to amend and consolidate the Acts respecting Industrial Schools. | The whole. |

48 VICT.—1885.

| | | |
|----|---|--|
| 2 | An Act to amend the Laws relating to the Franchise and the Representation of the People. | The whole. |
| 3 | An Act to further amend the Voters' Lists Act. | The whole. |
| 4 | An Act relating to the Costs of Election Trials. | The whole. |
| 8 | An Act to amend the Public Lands Act. | The whole. |
| 9 | An Act to regulate the Fisheries of this Province. | The whole. |
| 10 | An Act respecting Aid to Tile, Timber and Stone Drainage. | The whole. |
| 11 | An Act to amend the Act respecting the Agricultural College. | The whole. |
| 12 | An Act to amend the Act respecting the Registration of Births, Deaths and Marriages. | The whole. |
| 13 | An Act for further improving the Administration of the Law. | The whole. |
| 14 | An Act to further amend the Division Courts Act. | The whole. |
| 15 | An Act to amend the Law as to Garnishing Debts. | The whole. |
| 16 | An Act to confer on Notaries Public the powers of Commissioners. | The whole. |
| 17 | An Act respecting Police Magistrates for Counties. | The whole. |
| 18 | An Act to promote the Detection of Crime. | The whole. |
| 19 | An Act respecting Appeals from Summary Convictions. | The whole. |
| 20 | An Act respecting the District of Rainy River. | The whole, except sub- section 3 of section 6 and sections 11 and 12. |
| 22 | An Act to simplify Titles and to facilitate the Transfer of Land. | The whole. |
| 23 | An Act to further amend the Registry Act. | The whole. |
| 24 | An Act respecting Saw Mills on the Ottawa River. | The whole, except sec- tion 2 from the word "and" in line 5 to the word "passed" in line 8. |
| 25 | An Act to render negotiable by endorsement certain Warehouse Receipts issued for Crude Petroleum. | The whole. |
| 26 | An Act respecting Assignments for the benefit of Creditors. | The whole. |

| Chapter. | TITLE OF ACT. | EXTENT OF REPEAL. |
|----------|---|--|
| 27 | An Act respecting the Registering of Chattel Mortgages and Bills of Sale. | The whole, except subsection 2 of section 2. |
| 28 | An Act to amend the Act to secure to Wives and Children the benefit of Life Insurance. | The whole. |
| 29 | An Act respecting Wages. | The whole. |
| 30 | An Act to amend the Act respecting Barristers-at-Law. | The whole, except section 2. |
| 31 | An Act respecting the Study of Anatomy. | The whole. |
| 32 | An Act to amend the Ontario Joint Stock Companies' Letters Patent Act. | The whole. |
| 33 | An Act to amend the Acts respecting Joint Stock Companies. | The whole. |
| 34 | An Act to amend the Revised Statute respecting Joint Stock Companies for the erection of Exhibition Buildings. | The whole. |
| 38 | An Act respecting the Expropriation of Land for Public Cemeteries. | The whole. |
| 39 | The Municipal Amendment Act, 1885. | The whole, except section 37. |
| 40 | An Act to amend the Municipal Act in relation to Hawkers and Pedlars. | The whole. |
| 41 | An Act respecting Municipalities in Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay. | The whole, except section 3. |
| 42 | An Act to further amend the Assessment Act. | The whole. |
| 43 | An Act to amend the Liquor License Act. | The whole. |
| 44 | An Act to provide for the better observance of the Lord's Day, commonly called Sunday, by prohibiting Sunday Excursions of certain kinds. | The whole. |
| 45 | An Act to make further provision regarding the Public Health. | The whole. |
| 46 | An Act to amend the Act to impose a Tax on Dogs, and for the Protection of Sheep. | The whole. |
| 47 | An Act to amend the Ditches and Watercourses Act, 1883. | The whole. |
| 48 | An Act respecting the Education Department. | The whole. |
| 49 | An Act to consolidate and amend the Public Schools Act. | The whole. |
| 50 | An Act to consolidate and amend the High Schools Act. | The whole. |
| 51 | An Act respecting the property of Insane Persons in Gaols. | The whole. |
| 52 | An Act to amend the Act providing for employing persons without the Walls of Common Gaols. | The whole. |
| 53 | An Act to make further provision respecting Private Asylums for Insane Persons. | The whole. |

49 VICT.—1886.

| | | |
|---|---|------------|
| 2 | An Act amending the Act respecting the Provisional County of Haliburton. | The whole. |
| 3 | An Act to amend the Franchise and Representation Act, 1885. | The whole. |
| 4 | An Act to provide for the better Auditing of the Public Accounts of the Province. | The whole. |
| 5 | An Act to amend the Act respecting the Taxation of Patented Lands in Algoma. | The whole. |
| 7 | An Act respecting Free Grants and Homesteads to Actual Settlers on Public Lands in the District of Rainy River. | The whole. |

| Chapter. | TITLE OF ACT. | EXTENT OF REPEAL. |
|----------|---|--|
| 8 | An Act to amend the General Mining Act. | The whole. |
| 11 | An Act to consolidate and amend the Agriculture and Arts Act. | The whole. |
| 12 | An Act to amend the Act respecting the Courts of Queen's Bench and Common Pleas. | The whole. |
| 13 | An Act to amend the County Courts Act. | The whole. |
| 14 | An Act to amend the Surrogate Courts Act. | The whole. |
| 15 | An Act to amend the Division Courts Act. | The whole. |
| 16 | An Act for further improving the Law. | The whole. |
| 17 | An Act respecting Returns of Convictions by Stipendiary and Police Magistrates. | The whole. |
| 18 | An Act respecting Criminal Justice Accounts payable by the Province. | The whole. |
| 19 | An Act respecting certain Unorganized Districts of the Province. | The whole, except sections 2-3. |
| 20 | An Act for improving the practice of Conveyancing and amending the Law of Property. | The whole, except sub-section 2 of section 11, sub-section 4 of section 12, and sub-section 2 of section 20. |
| 21 | An Act respecting Covenants contained in Short Forms of Leases. | The whole. |
| 22 | An Act respecting the Estates of Deceased Persons. | The whole. |
| 23 | An Act to facilitate the Quieting of Titles where the Land Titles Act is not in force. | The whole. |
| 24 | An Act to amend the Registry Act. | The whole. |
| 25 | An Act to amend the Act respecting Assignments for the Benefit of Creditors. | The whole. |
| 26 | An Act to amend the Law respecting Compensation to the Families of Persons Killed by Accident and in Duels. | The whole. |
| 27 | An Act to amend the Revised Statute respecting Master and Servant. | The whole. |
| 28 | An Act to secure Compensation to Workmen in certain cases. | The whole. |
| 29 | An Act respecting Landlords and Tenants and Distress. | The whole. |
| 30 | An Act to amend the Act respecting Dentistry. | The whole. |
| 31 | An Act to amend the Act respecting the Incorporation of Joint Stock Companies by Letters Patent. | The whole. |
| 32 | An Act to amend the Act respecting Joint Stock Companies for the Construction or Purchase of Roads and other Works. | The whole. |
| 33 | An Act to amend the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water. | The whole. |
| 34 | An Act respecting Building Societies. | The whole. |
| 35 | An Act respecting Mechanics' Institutes and Art Schools. | The whole. |
| 36 | An Act to amend the Act respecting Cemetery Companies. | The whole. |
| 37 | An Act to further amend the Municipal Act. | The whole, except that part of section 18 after the word "Council" in line 8. |
| 38 | An Act to further amend the Assessment Act. | The whole. |
| 39 | An Act respecting Liquor Licenses. | The whole. |
| 40 | An Act to amend the Act respecting Snow Fences. | The whole. |

| Chapter. | TITLE OF ACT. | EXTENT OF REPEAL. |
|----------|--|-------------------|
| 41 | An Act to prevent Minors frequenting Billiard Rooms and other places. | The whole. |
| 42 | An Act to make further provision regarding the Public Health. | The whole. |
| 43 | An Act to amend the Act respecting Vaccination and Inoculation. | The whole. |
| 44 | An Act to further amend the Ditches and Watercourses Act, 1883. | The whole. |
| 45 | An Act to further amend the Law for the Protection of Game and Fur-bearing Animals. | The whole. |
| 46 | An Act respecting Separate Schools. | The whole. |
| 47 | An Act to amend the Act respecting the Agricultural College. | The whole. |
| 48 | An Act to amend the Act respecting the application of the Religious Institutions Act to the Church of England. | The whole. |
| 49 | An Act to amend the Act to establish an Industrial Refuge for Girls. | The whole. |
| 50 | An Act to amend the Act respecting Private Lunatic Asylums. | The whole. |

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|----|--|---|
| 4 | An Act to amend the Act respecting the Taxation of Patented Lands in Algoma. | The whole. |
| 5 | An Act to amend the Act respecting the Clergy Reserves. | The whole. |
| 6 | An Act respecting Interest on Drainage Loans to Municipalities by the Province of Ontario. | The whole, except sections 3, 4, and 5. |
| 7 | An Act for further Improving the Law | The whole, except section 6. |
| 8 | An Act to give early effect to certain amendments of the Law recommended by the Statute Commissioners. | The whole, except section 2. |
| 9 | An Act respecting the Law of Libel. | The whole, except section 6. |
| 10 | An Act relating to Exemptions from Seizure under Execution. | The whole. |
| 11 | An Act respecting the Appointment and Proceedings of Police Magistrates. | The whole. |
| 12 | An Act respecting the Administration of Justice in the Districts of Algoma and Thunder Bay. | The whole. |
| 14 | An Act respecting the Custody of Documents relating to Land Titles. | The whole. |
| 15 | An Act to extend the operation of the Land Titles Act, and otherwise amending the same. | The whole. |
| 16 | An Act to extend the Land Titles Act to the outlying Districts of the Province. | The whole. |
| 17 | An Act respecting the Driving of Saw Logs and other Timber on Lakes, Rivers, Creeks and Streams. | The whole. |
| 18 | An Act respecting the publicity of certain matters affecting Traders. | The whole. |
| 19 | An Act to make further provisions respecting Assignments for the Benefit of Creditors. | The whole. |
| 20 | An Act to amend the Mechanics' Lien Act. | The whole. |
| 21 | An Act respecting the Guardianship of Minors. | The whole. |
| 22 | An Act to amend the Workmen's Compensation for Injuries Act, 1886. | The whole. |
| | r respecting Distress for Rent and Taxes. | The whole. |

| Chapter. | TITLE OF ACT. | EXTENT OF REPEAL. |
|----------|--|----------------------|
| 24 | An Act to amend the Ontario Medical Act. | The whole. |
| 25 | An Act respecting Land Surveyors and the Survey of Lands. | The whole. |
| 26 | An Act consolidating and amending the Acts respecting Insurance Companies. | The whole. |
| 27 | An Act respecting Building Societies. | The whole. |
| 28 | An Act to amend the Railway Act of Ontario. | The whole. |
| 29 | An Act to further amend the Municipal Act. | The whole. |
| 30 | An Act respecting Municipal Institutions in the District of Rainy River. | The whole. |
| 31 | An Act to amend the Public Parks Act. | The whole. |
| 32 | An Act to amend the Assessment Act. | The whole. |
| 33 | An Act better to provide for the enforcement of the Temperance Laws. | The whole. |
| 34 | An Act to amend the Act respecting the Public Health. | The whole. |
| 35 | An Act to amend the Ontario Factories Act, 1884. | The whole. |
| 36 | An Act for the protection of Infant Children. | The whole. |
| 37 | An Act to amend the Ditches and Watercourses Act, 1883. | The whole. |
| 38 | An Act to amend the Act respecting the Education Department. | The whole. |
| 39 | An Act to amend the Act respecting Public Schools. | The whole. |
| 40 | An Act to amend the High School Act. | The whole. |
| 41 | An Act respecting Separate School Debentures. | The whole. |
| 42 | An Act respecting Upper Canada College. | The whole. |
| 43 | An Act respecting the Federation of the University of Toronto and University College with other Universities and Colleges. | The whole. |
| 44 | An Act respecting the Income and Property of the University of Toronto, University College and Upper Canada College. | The whole. |
| 45 | An Act for the protection of Women in certain cases. | The whole. |

APPENDIX A

SHewing ACTS AND PARTS OF ACTS CONSOLIDATED IN THE
REVISED STATUTES OF ONTARIO, 1887.

ABBREVIATIONS :—J.A.R., *Judicature Act, 1881, Rules* ; C.R., *New Consolidated Rules* ; H.C.J.,
High Court of Justice Rules ; Sup., *Superseded* ; Rep., *Repealed*.

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| | 155 | | 158 | " | | | (12) | (12) | 160 | " | |
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| | 6 | | 6 | " | | | 69 | | 71 | " | | |
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| | 10 | | | | | | | | | | |
| 35 | 1 | 38 | 1 | 356 | | 35 | 1 | 38 | 1 | 356 | |
| | 2 | | 2 | " | | | 2 | | 2 | " | |
| | 3 | | 3 | 357 | | | 3 | | 3 | " | |
| | 4 | | 4 | " | | | 4 | | 4 | " | |
| | 5 | | 5 | " | | | 5 | | 5 | " | |
| | 6 | | 6 | " | | | 6 | | 6 | " | |
| | 7 | | | | | | | | | | |
| | 8 | | | | | | | | | | |
| | 9 | | | | | | | | | | |
| | 10 | | | | | | | | | | |
| 36 | 1 | 39 | 1 | 358 | | 36 | 1 | 39 | 1 | 358 | |
| | 2 | | 2 | " | | | 2 | | 2 | " | |
| | 3 | | 3 | 359 | | | 3 | | 3 | " | |
| | 4 | | 4 | " | | | 4 | | 4 | " | |
| | 5 | | 5 | " | | | 5 | | 5 | " | |
| | 6 | | 6 | " | | | 6 | | 6 | " | |
| | 7 | | | | | | | | | | |
| | 8 | | | | | | | | | | |
| | 9 | | | | | | | | | | |
| | 10 | | | | | | | | | | |
| 37 | 1 | 40 | 1 | 360 | | 37 | 1 | 40 | 1 | 360 | |
| | 2 | | 2 | " | | | 2 | | 2 | " | |
| | 3 | | 3 | 361 | | | 3 | | 3 | " | |
| | 4 | | 4 | " | | | 4 | | 4 | " | |
| | 5 | | 5 | " | | | 5 | | 5 | " | |
| | 6 | | 6 | " | | | 6 | | 6 | " | |
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| | 8 | | | | | | | | | | |
| | 9 | | | | | | | | | | |
| | 10 | | | | | | | | | | |
| 38 | 1 | 41 | 1 | 362 | | 38 | 1 | 41 | 1 | 362 | |
| | 2 | | 2 | " | | | 2 | | 2 | " | |
| | 3 | | 3 | 363 | | | 3 | | 3 | " | |
| | 4 | | 4 | " | | | 4 | | 4 | " | |
| | 5 | | 5 | " | | | 5 | | 5 | " | |
| | 6 | | 6 | " | | | 6 | | 6 | " | |
| | 7 | | | | | | | | | | |
| | 8 | | | | | | | | | | |
| | 9 | | | | | | | | | | |
| | 10 | | | | | | | | | | |
| 39 | 1 | 42 | 1 | 364 | | 39 | 1 | 42 | 1 | 364 | |
| | 2 | | 2 | " | | | 2 | | 2 | " | |
| | 3 | | 3 | 365 | | | 3 | | 3 | " | |
| | 4 | | 4 | " | | | 4 | | 4 | " | |
| | 5 | | 5 | " | | | 5 | | 5 | " | |
| | 6 | | 6 | " | | | 6 | | 6 | " | |
| | 7 | | | | | | | | | | |
| | 8 | | | | | | | | | | |
| | 9 | | | | | | | | | | |
| | 10 | | | | | | | | | | |
| 40 | 1 | 43 | 1 | 366 | | 40 | 1 | 43 | 1 | 366 | |
| | 2 | | 2 | " | | | 2 | | 2 | " | |
| | 3 | | 3 | 367 | | | 3 | | 3 | " | |
| | 4 | | 4 | " | | | 4 | | 4 | " | |
| | 5 | | 5 | " | | | 5 | | 5 | " | |
| | 6 | | 6 | " | | | 6 | | 6 | " | |
| | 7 | | | | | | | | | | |
| | 8 | | | | | | | | | | |
| | 9 | | | | | | | | | | |
| | 10 | | | | | | | | | | |
| 41 | 1 | 44 | 1 | 368 | | 41 | 1 | 44 | 1 | 368 | |
| | 2 | | 2 | " | | | 2 | | 2 | " | |
| | 3 | | 3 | 369 | | | 3 | | 3 | " | |
| | 4 | | 4 | " | | | 4 | | 4 | " | |
| | 5 | | 5 | " | | | 5 | | 5 | " | |
| | 6 | | 6 | " | | | 6 | | 6 | " | |
| | 7 | | | | | | | | | | |
| | 8 | | | | | | | | | | |
| | 9 | | | | | | | | | | |
| | 10 | | | | | | | | | | |
| 42 | 1 | 45 | 1 | 370 | | 42 | 1 | 45 | 1 | 370 | |
| | 2 | | 2 | " | | | 2 | | 2 | " | |
| | 3 | | 3 | 371 | | | 3 | | 3 | " | |
| | 4 | | 4 | " | | | 4 | | 4 | " | |
| | 5 | | 5 | " | | | 5 | | 5 | " | |
| | 6 | | 6 | " | | | 6 | | 6 | " | |
| | 7 | | | | | | | | | | |
| | 8 | | | | | | | | | | |
| | 9 | | | | | | | | | | |
| | 10 | | | | | | | | | | |
| 43 | 1 | 46 | 1 | 372 | | 43 | 1 | 46 | 1 | 372 | |
| | 2 | | 2 | " | | | 2 | | 2 | " | |
| | 3 | | 3 | 373 | | | 3 | | 3 | " | |
| | 4 | | 4 | " | | | 4 | | 4 | " | |
| | 5 | | 5 | " | | | 5 | | 5 | " | |
| | 6 | | 6 | " | | | 6 | | 6 | " | |
| | 7 | | | | | | | | | | |
| | 8 | | | | | | | | | | |
| | 9 | | | | | | | | | | |
| | 10 | | | | | | | | | | |
| 44 | 1 | 47 | 1 | 374 | | 44 | 1 | 47 | 1 | 374 | |
| | 2 | | 2 | " | | | 2 | | 2 | " | |
| | 3 | | 3 | 375 | | | 3 | | 3 | " | |
| | 4 | | 4 | " | | | 4 | | 4 | " | |
| | 5 | | 5 | " | | | 5 | | 5 | " | |
| | 6 | | 6 | " | | | 6 | | 6 | " | |
| | 7 | | | | | | | | | | |
| | 8 | | | | | | | | | | |
| | 9 | | | | | | | | | | |
| | 10 | | | | | | | | | | |
| 45 | 1 | 48 | 1 | 376 | | 45 | 1 | 48 | 1 | 376 | |
| | 2 | | 2 | " | | | 2 | | 2 | " | |
| | 3 | | 3 | 377 | | | 3 | | 3 | " | |
| | 4 | | 4 | " | | | 4 | | 4 | " | |
| | 5 | | 5 | " | | | 5 | | 5 | " | |
| | 6 | | 6 | " | | | 6 | | 6 | " | |
| | 7 | | | | | | | | | | |
| | 8 | | | | | | | | | | |
| | 9 | | | | | | | | | | |
| | 10 | | | | | | | | | | |
| 46 | 1 | 49 | 1 | 378 | | 46 | 1 | 49 | 1 | 378 | |
| | 2 | | 2 | " | | | 2 | | 2 | " | |
| | 3 | | 3 | 379 | | | 3 | | 3 | " | |
| | 4 | | 4 | " | | | 4 | | 4 | " | |
| | 5 | | 5 | " | | | 5 | | 5 | " | |
| | 6 | | 6 | " | | | 6 | | 6 | " | |
| | 7 | | | | | | | | | | |
| | 8 | | | | | | | | | | |
| | 9 | | | | | | | | | | |
| | 10 | | | | | | | | | | |
| 47 | 1 | 50 | 1 | 380 | | 47 | 1 | 50 | 1 | 380 | |
| | 2 | | 2 | " | | | 2 | | 2 | " | |
| | 3 | | 3 | 381 | | | 3 | | 3 | " | |
| | 4 | | 4 | " | | | 4 | | 4 | " | |
| | 5 | | 5 | " | | | 5 | | 5 | " | |
| | 6 | | 6 | " | | | 6 | | 6 | " | |
| | 7 | | | | | | | | | | |
| | 8 | | | | | | | | | | |
| | 9 | | | | | | | | | | |
| | 10 | | | | | | | | | | |
| 48 | 1 | 51 | 1 | 382 | | 48 | 1 | 51 | 1 | 382 | |
| | 2 | | 2 | " | | | 2 | | 2 | " | |
| | 3 | | 3 | 383 | | | 3 | | 3 | " | |
| | 4 | | 4 | " | | | 4 | | 4 | " | |
| | 5 | | 5 | " | | | 5 | | 5 | " | |
| | 6 | | 6 | " | | | 6 | | 6 | " | |
| | 7 | | | | | | | | | | |
| | 8 | | | | | | | | | | |
| | 9 | | | | | | | | | | |
| | 10 | | | | | | | | | | |
| 49 | 1 | 52 | 1 | 384 | | 49 | 1 | 52 | 1 | 384 | |
| | 2 | | 2 | " | | | 2 | | 2 | " | |
| | 3 | | 3 | 385 | | | 3 | | 3 | " | |
| | 4 | | 4 | " | | | 4 | | 4 | " | |
| | 5 | | 5 | " | | | 5 | | 5 | " | |
| | 6 | | 6 | " | | | 6 | | 6 | " | |
| | 7 | | | | | | | | | | |
| | 8 | | | | | | | | | | |
| | 9 | | | | | | | | | | |
| | 10 | | | | | | | | | | |
| 50 | 1 | 53 | 1 | 386 | | 50 | 1 | 53 | 1 | 386 | |
| | 2 | | 2 | " | | | 2 | | 2 | " | |
| | 3 | | 3 | 387 | | | 3 | | 3 | " | |
| | 4 | | 4 | " | | | 4 | | 4 | " | |
| | 5 | | 5 | " | | | 5 | | 5 | " | |
| | 6 | | 6 | " | | | 6 | | 6 | " | |
| | 7 | | | | | | | | | | |
| | 8 | | | | | | | | | | |
| | 9 | | | | | | | | | | |
| | 10 | | | | | | | | | | |
| 51 | 1 | 54 | 1 | 388 | | 51 | 1 | 54 | 1 | 388 | |
| | 2 | | 2 | " | | | 2 | | 2 | " | |
| | 3 | | 3 | 389 | | | 3 | | 3 | " | |
| | 4 | | 4 | " | | | 4 | | 4 | " | |
| | 5 | | 5 | " | | | 5 | | 5 | " | |
| | 6 | | 6 | " | | | 6 | | 6 | " | |
| | 7 | | | | | | | | | | |
| | 8 | | | | | | | | | | |
| | 9 | | | | | | | | | | |
| | 10 | | | | | | | | | | |
| 52 | 1 | 55 | 1 | 390 | | 52 | 1 | 55 | 1 | 390 | |
| | 2 | | 2 | " | | | 2 | | 2 | " | |
| | 3 | | 3 | 391 | | | 3 | | 3 | " | |
| | 4 | | 4 | " | | | 4 | | 4 | " | |
| | 5 | | 5 | " | | | 5 | | 5 | " | |
| | 6 | | 6 | " | | | 6 | | 6 | " | |
| | 7 | | | | | | | | | | |
| | 8 | | | | | | | | | | |
| | 9 | | | | | | | | | | |
| | 10 | | | | | | | | | | |
| 53 | 1 | 56</ | | | | | | | | | |

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| 30 | 7 | 33 | 7 | 347 | | 30 | 71 | 33 | 71 | 361 | |
| | 8 | | 8 | 348 | | | 72 | | 72 | " | |
| | 9 | | 9 | " | | | | | | | |
| | 10 | | 10 | " | | 31 | 1 | 34 | 1 | 362 | |
| | 11 | | 11 | " | | | 2 | | 2 | " | |
| | 12 | | 12 | " | | | 3 | | 3 | 363 | |
| | 13 | | 13 | 349 | | | 4 | | 4 | " | |
| | 14 | | 14 | " | | | 5 | | 5 | " | |
| | 15 | | 15 | " | | | 6 | | 6 | " | |
| | 16 | | 16 | " | | | 7 | | 7 | " | |
| | 17 | | 17 | " | | | 8 | | 8 | 364 | |
| | 18 | | 18 | 350 | | | 9 | | 9 | " | |
| | 19 | | 19 | " | | | 10 | | 10 | " | |
| | 20 | | 20 | " | | | 11 | | 11 | " | |
| | 21 | | 21 | " | | | | | | | |
| | 22 | | 22 | " | | | 12 | ..... | ..... | ..... | { Unnecessary See c. 73. |
| | 23 | | 23 | " | | | | | | | |
| | 24 | | 24 | " | | | | | | | |
| | 25 | | 25 | 351 | | | 13 | 34 | 12 | 365 | |
| | 26 | | 26 | " | | | 14 | | 13 | " | |
| | 27 | | 27 | " | | | 15 | | 14 | " | |
| | 28 | | 28 | 352 | | | 16 | | 15 | " | |
| | 29 | | 29 | " | | | 17 | | 16 | " | |
| | 30 | | 30 | " | | 32 | 1 | 35 | 1 | 366 | |
| | 31 | | 31 | " | | | 2 | | 2 | 367 | |
| | 32 | | 32 | 353 | | | 3 | | 3 | " | |
| | 33 | | 33 | " | | | 4 | | 4 | " | |
| | 34 | | 34 | " | | | 5 | | 5 | 368 | |
| | 35 | | 35 | " | | | 6 | | 6 | " | |
| | 36 | | 36 | " | | | 7 | | 7 | 369 | |
| | 37 | | 37 | 354 | | | 8 | | 8 | " | |
| | 38 | | 38 | " | | | 9 | | 9 | " | |
| | 39 | | 39 | " | | | 10 | | 10 | 370 | |
| | 40 | | 40 | " | | | 11 | | 11 | " | |
| | 41 | | 41 | 355 | | | 12 | | 12 | " | |
| | 42 | | 42 | " | | | 13 | | 13 | " | |
| | 43 | | 43 | " | | | 14 | | 14 | " | |
| | 44 | | 44 | " | | | | | | | |
| | 45 | | 45 | 356 | | 33 | 1 | 36 | 1 | 372 | |
| | 46 | | 46 | " | | | 2 | | 2 | " | |
| | 47 | | 47 | " | | | 3 | | 3 | " | |
| | 48 | | 48 | " | | | 4 | | 4 | " | |
| | 49 | | 49 | " | | | 5 | | 5 | " | |
| | 50 | | 50 | 357 | | | 6 | | 6 | " | |
| | 51 | | 51 | " | | | 7 | | 7 | " | |
| | 52 | | 52 | " | | | 8 | | 8 | 373 | |
| | 53 | | 53 | " | | | 9 | | 9 | " | |
| | 54 | | 54 | " | | | 10 | | 11 | " | |
| | 55 | | 55 | 358 | | | 11 | | 12 | 374 | |
| | 56 | | 56 | " | | | 12 | | 13 | " | |
| | 57 | | 57 | " | | | 13 | | 14 | " | |
| | 58 | | 58 | " | | | 14 | | 15 | " | |
| | 59 | | 59 | 359 | | | 15 | | 16 | " | |
| | 60 | | 60 | " | | | 16 | | 17 | " | |
| | 61 | | 61 | " | | | 17 | | 18 | " | |
| | 62 | | 62 | " | | | 18 | | 19 | 375 | |
| | 63 | | 63 | " | | | 19 | | 20 | " | |
| | 64 | | 64 | 360 | | | 20 | | 21 | " | |
| | 65 | | 65 | " | | | 21 | | 22 | " | |
| | 66 | | 66 | " | | | 22 | | 23 | " | |
| | 67 | | 67 | " | | | 23 | | 24 | " | |
| | 68 | | 68 | " | | | 24 | | 25 | 376 | |
| | 69 | | 69 | 361 | | | 25 | | 26 | " | |
| | 70 | | 70 | " | | | 26 | | 27 | " | |

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| 33 | 27 | 36 | 28 | 376 | Rep. 47 V. c. 3, s. 1. | 36 | 18 | 40 | 22 | 433 | |
| | 28 | | 29 | 377 | | | 19 | | 23 | " | |
| | 29 | | 30 | " | | | 20 | | 24 | 434 | |
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| | 33 | | 34 | " | | | 25 | | 29 | " | |
| | 34 | | 35 | " | | | 26 | | 30 | 435 | |
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| | 40 | | | | | | | | | | |
| | 41 | 36 | 53 | 382 | Rep. 44 V. c. 3, s. 2. | 37 | 1 | 42 | 1 | 443 | |
| | 42 | | 54 | " | | 2 | | | 3 | 444 | |
| | 43 | | 55 | 383 | | 38 | 1 | | | | Short title. |
| | 44 | | 56 | " | | 2 | | | | | Sup. 44 V. |
| | 45 | | 57 | " | | 3 | | 44 | 5 | 448 | c. 5, s. 91. |
| | 46 | | 58 | " | 4 | | | 6 | " | | |
| | 47 | | 59 | " | 5 | | | | | Sup. 44 V. c. | |
| | 48 | | 60 | 384 | | | | | | 5, ss. 3 (6), 4. | |
| | 49 | | 61 | " | 6 | | 44 | 7 | 448 | Sup. 44 V. c. | |
| | 50 | | 62 | " | 7 | | | | | 5, s. 5. | |
| | 51 | | 63 | 385 | 8 | | 44 | 8 | 449 | Sup. 44 V. c. | |
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| | 53 | | 65 | " | 10 | | 44 | 12 | 450 | | |
| | 54 | | 66 | " | 11 | | | 111 | 479 | Rep. 41 V. c. | |
| 34 | 1 | 37 | 1 | 386 | Not consoli- dated. | 12 | | | | | s. 2. |
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| | 3 | | 3 | " | | 14 | | | 16 | " | |
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| | 6 | | 6 | " | 18 | | 44 | 70 | 468 | Unnecessary | |
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| | 8 | | | | 20 | | | 45 | " | | |
| | 9 | 37 | 8 | 387 | 21 | | | 46 | " | | |
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| | " B. | | " B. | 389 | 23 | | 44 | 47 | 457 | | |
| 35 | 1 | | | | Rep. 49 V. c. 11, s. 87. | 24 | | | | Effete. | |
| | 2 | 40 | 1 | 429 | | 25 | | 44 | 48 | 457 | Sup. 44 V. c. |
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| | 4 | | | | | 27 | | | | | C. R. 804. |
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| | 6 | 40 | 5 | 430 | 29 | | 44 | 72 | 468 | Sup. 44 V. c. | |
| | 7 | | 6 | " | | | | | | 5, s. 38 and | |
| | 8 | | 7 | " | | | | | | C. R. 803. | |
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| | 10 | | 9 | 431 | 31 (1) | | | | | " 826. | |
| | 11 | | 10 | " | (2) | | | | | | |
| | 12 | | 11 | " | 32 | | | | | See C. R. 827. | |
| | 13 | | 12 | 432 | 33-39 | | | | | Sup. J. A. R. | |
| | 14 | | 13 | " | | | | | | 472. | |
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| | 16 | | 15 | " | 40 | | | | | 383 et seq. (C. | |
| | 17 | | 16 | " | | | | | | R. 620 et seq.) | |
| | 18 | | 17 | 433 | | | | | | | |
| | 19 | | 21 | " | | | | | | | |

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| 38 | 41 | | | | C. R. 832. | 39 | 39 | 44 | 119 | 481 | |
| | 42 | | | | “ 833. | | 40 | | 120 | “ | |
| | 43 | 44 | 88 | 471 | | | 41 | | | | Unnecessary |
| | 44 | | | | C. R. 830. | | 42 | 44 | 121 | 481 | |
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| | 48 | | 73 | “ | | | 46 | | 123 | 481 | |
| | 49 | 41 | 1 | 442 | | | 47 | | 130 (1) | 484 | |
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| | 51 | | 3 | “ | | | 49 | 44 | 151 (1) | 490 | |
| | 52 | | 4 | “ | | | 50 | | 153 (1) | 491 | |
| | 53 | | 5 | “ | | | 51 | | 151 (2) | 490 | |
| | 54 | | 6 | “ | | | 52 | | 152 | 491 | |
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| | 2 | 44 | 3 (1) | 447 | | | 5 | 44 | 3 (6) | 447 | |
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| | 30 | | | | { Effete. | | 34 | | 21 | 451 | |
| | 31 | 44 | 116 | 480 | | | 35 | | 22 | 452 | |
| | 32 | | 105(1d) | 476 | | | 36 | | 23 | “ | |
| | 33 | | | | C. R. 657. | | 37 | | 24 | “ | |
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| | 22 | | | | C. R. 1162. | | 44 | | 20 | " | |
| | 23 | | | | " 1166. | | 45 | | | | Effete. |
| | 24 | | | | " 1167. | | | | | | |
| | 25 | | | | " 1168. | | | | | | |
| | 26 | | | | " 1169. | | | | | | |
| | 27, 28 | | | | Effete. | 56 | 1 | 57 | 2 | 699 | |
| | | | | | | | 2 | | 3 | " | |
| 55 | 1 | 56 | 1 | 693 | | | 3 | | 4 | " | |
| | 2 | | 2 | " | | | 4 | | 5 | (1) | |
| | 3 | | 3 | " | | | 5 | | 6 | 700 | |
| | 4 | | | | Sup. J. A. R. | | | | | | |
| | | | | | 428, (C. R. | | | | | | |
| | | | | | 1170.) | 57 | 1 | 58 | 1 | 702 | |
| | 5 | 56 | 4 | 693 | | | 2 | | 2 | " | |
| | | | | | Sup. J. A. R. | | 3 | | 3 | " | |
| | 6 | | | | 1, (Sec C. R. | | | | | | |
| | | | | | 224.) | | | | | | |
| | | | | | Sup. J. A. R. | 58 | 1 5 | | | | Effete. |
| | | | | | 1, 5, 11, 12, (C | | 6 | | | | C. R. 364. |
| | 7 | | | | R. 213, 244; | | 7 | | | | " 364. |
| | | | | | see 224.) | | 8 | | | | " 364. |
| | | | | | Sup. J. A. R. | | 9 | | | | " 365. |
| | | | | | 7, 9, 18, 29, (C | | 10 | | | | " 366. |
| | 8 | | | | R. 231, 243, | | 11 | | | | " 367. |
| | | | | | 240, 250) | | 12 | | | | " 367. |
| | 9 | | | | C. R. 249. | | 13 | | | | Sup 44 V. c. |
| | | | | | " 249. | | | | | | 5, s 54. |
| | 10 | | | | Part effete. | | | | | | |

| R. S. O. 1877. | | | | | R. S. O. 1877. | | | | | | |
|----------------|------|---------------|------|-------|----------------|---------|------|---------------|------|-------|------------------------|
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| | | Chap. | Sec. | Page. | | | | Chap. | Sec. | Page. | |
| 59 | 1 | | | | Short title. | 62 | 18 | 61 | 16 | 713 | C. R. 562. |
| | 2 | | | | Unnecessary | | 19 | | | | " 586. |
| | 3 | | | | C. R. 949. | | 20 | | | | " 587. |
| | 4 | | | | " 950. | | 21 | | | | " 588. |
| | 5 | | | | " 951. | | 22 | | | | " 589. |
| | 6 | | | | " 952. | | 23 | | | | Sup.C.R.602 |
| | 7 | | | | " 953. | | 24 | 61 | 17 | 715 | |
| | 8 | | | | " 954. | | 25 | | 18 | " | |
| | 9 | | | | " 955. | | 26 | | 19 | " | |
| | 10 | | | | " 956. | | 27 | | 20 | " | |
| | 11 | | | | " 957. | | 28 | | 23 | 716 | |
| | 12 | | | | " 956. | | 29 | | 25 | 717 | |
| | 13 | | | | " 958. | | 30 | | 27 | " | |
| | 14 | | | | " 959. | | 31 | | 28 | 718 | |
| | 15 | | | | " 960. | | 32 | | 29 | " | |
| | 16 | | | | | | 33 | | 30 | " | |
| | 17 | | | | See C.R.961. | | 34 | | 31 | " | |
| | 18 | | | | C. R. 962. | | 35 | | 32 | " | |
| | 19 | | | | Unnecessary | | 36 | | 33 | 719 | |
| | 20 | | | | Rep. 50 V. c. | | 37 | | 26 | 717 | |
| | Sch. | | | | 7, s. 6. | | 38 | | 34 | 719 | |
| | | | | | C. R. App. | | 39 | | 35 | 720 | |
| | | | | | (203-207.) | | 40 | | 36 | " | |
| | | | | | | | 41 | | 38 | " | |
| 60 | 1 | | 1 | 703 | | | 42 | | 39 | 721 | |
| | 2 | | 2 | " | | | 43 | | 40 | " | |
| | 3 | | 3 | 704 | | | 44 | | 41 | " | |
| | 4 | | 4 | " | | | 45 | | 43 | 722 | |
| | 5 | | 5 | " | | | 46 | | 45 | " | |
| | 6 | | 6 | 705 | | | 47 | | 42 | 721 | |
| | 7 | | 7 | " | | | 48 | | 46 | 722 | |
| | 8 | | 9 | " | | | 49 | | 49 | 724 | |
| | 9 | | 10 | 706 | | | 50 | | 50 | " | |
| | 10 | | 11 | " | | | 51 | | 51 | " | |
| | 11 | | 12 | " | | | 52 | | 52 | " | |
| 61 | 1 | 60 | 1 | 707 | | 63 | 1 | 62 | 1 | 725 | Not consoli- dated. |
| | 2 | | 2 | 708 | | | 2 | | | | |
| | 3 | | 3, 5 | " | | | 3 | 62 | 7 | 726 | |
| | 4 | | 6 | " | | | 4 | | 8 | " | |
| | 5 | | 7 | " | | | 5 | | 9 | " | |
| | 6 | | 8 | " | | | 6 | | 6 | " | |
| | 7 | | | | Rep. 49 V. | | 7 | | 10 | " | |
| | 8 | | | | c. 16, s. 15. | | 8 | | 11 | 727 | |
| | 8 | 60 | 9 | 709 | | | 9 | | 12 | " | |
| 62 | 1 | 61 | 1 | 710 | | 64 | 1 | 53 | 19 | 678 | |
| | 2 | | 2 | " | | | 2 | | 20 | " | |
| | 3 | | 3 | 711 | | | 3 | | 21 | " | |
| | 4 | | 4 | " | | | 4 | | 22 | " | |
| | 5 | | 5 | " | | | 5 | | 23 | " | |
| | 6, 7 | | | | Rep. 45 V. | | 6 | | 24 | 679 | |
| | | | | | c. 10, s. 7. | | 7 | | 25 | " | |
| | 8 | 61 | 8 | 711 | | | 8 | | 26 | " | |
| | 9 | | 9 | 712 | | | 9 | | 27 | " | |
| | 10 | | 10 | " | | | 10 | | 28 | " | |
| | 11 | | 11 | " | | | 11 | | 29 | " | |
| | 12 | | 12 | " | | | 12 | | 30 | 680 | |
| | 13 | | 13 | " | | Sch. A. | | Sch. A. | | 685 | |
| | 14 | | 15 | 713 | | " B. | | " B. | | 686 | |
| | 15 | | | | C. R. 559. | | | | | | |
| | 16 | | | | " 1254. | 65 | 1 | 63 | 1 | 728 | |
| | 17 | | | | C.R.Tariff B. | | 2 | | 2 | " | |

2700 APPENDIX A.—ACTS AND PARTS OF ACTS CONSOLIDATED.

| R. S. O. 1877. | | | | | R. S. O. 1877. | | | | | | | | |
|----------------|---------|---------------|---------|-------|----------------|--------|--|---------------|------|--|---------------------------------|-----|--|
| Chap. | Sec. | CONSOLIDATED. | | | REMARKS. | Chap. | Sec. | CONSOLIDATED. | | | REMARKS. | | |
| | | Chap. | Sec. | Page. | | | | Chap. | Sec. | Page. | | | |
| 65 | 3 | 63 | 3 | 728 | | 66 | 47 | | | | C. R. 1235. | | |
| | 4 | | 4 | | | | 48 | | | | " 1236. | | |
| | 5 | | 5 | 729 | | | 49 | | | | " 1237. | | |
| | 6 | | 6 | " | | | 50 | | | | " 1238. | | |
| | 7 | | 7 | " | | | 51 | | | | " 1239. | | |
| | 8 | | 8 | " | | | 52 | | | | { Unnecessary See C. R. 851. | | |
| | 9 | | 11 | " | | | 53 | | | | | | |
| | 10 | | 9 | " | | | 54 | | | | C. R. 896. | | |
| | 11 | | 10 | " | | | 55 | | | | " 897. | | |
| | Sch. A. | | Sch. A. | 730 | | | 56 | | | | " 925. | | |
| | " B. | | " B. | " | | | 57 | | | | " 873. | | |
| 66 | 1 | 64 | 1 | 731 | | 58 | | | | " 912. | | | |
| | 2 | | | | | 59 | | | | " 913. | | | |
| | 3 | | 4 | 732 | | 60 | | | | " 914. | | | |
| | 4 | | 5 | " | | 61 | | | | " 915. | | | |
| | 5 | | 6 | " | | | | | | " 916. | | | |
| | 6 | | | | | 62, 63 | | | | { Sup. J. A. R. 428, (C. R. 1170.) | | | |
| | 7 | | | | | 64 | | | | | | | |
| | 8 | | | | | 65 | | | | C. R. 917. | | | |
| | 9 | | | | | 66 | | | | " 918. | | | |
| | 10 | | | | | 67 | | | | " 919. | | | |
| | | | | | | 68 | | | | " 920. | | | |
| | | | | | | 69 | | | | " 921. | | | |
| | | | | | | | | | | " 922. | | | |
| | 11 | | | | | 70 | | | | { Not consoli- dated. | | | |
| | 12 | | | | | 71 | | | | | | | |
| | | | | | | 72 (1) | | | | Unnecessary | | | |
| | 13 | | | | | | | | | Effete. | | | |
| | 14 | | | | | 73 | (2) | | | { See C. R. 862, 867. | | | |
| | 15 | | | | | | | | | | | | |
| | 16 | | | | | | | | | Effete. | | | |
| | 17 | | | | | | | 67 | 1 | 67 | 4 | 767 | { Sup. See c. 67, s. 3. Unnecessary Part effete. Unnecessary |
| | 18 | | | | | | | | 2 | | 5 | " | |
| | 19 | | | | | | | | 3 | | 6, 7 | " | |
| | 20 | | | | | | | | 4 | | 8 | " | |
| | 21 | | | | | | | | 5 | | 1 | 766 | |
| | 22 | | | | | | | | 6 | | 2 | " | |
| | 23 | | | | | | | | 7 | | 9 | 767 | |
| | 24 | | | | | | | | 8 | | | | |
| | 25 | | | | | | | | 9 | | | | |
| | 26 | | | | | | | | 10 | 67 | 6 | 767 | |
| | 27 | | | | | | | | 11 | | | | |
| | 28 | | | | | | | | 12 | 67 | 10 | 768 | |
| | 29 | | | | | | | | 13 | | 11 | " | |
| | 30, 31 | | | | | | | | 14 | | 12 | " | |
| | 32 | | | | | | | | 15 | | 13 | " | |
| | 33 | | | | | | | | 16 | | 14 | " | |
| | | | | | | | { Not consoli- dated. C. R. 900. | | 17 | | 15 | 769 | |
| | 34 | | | | | | | | 18 | | 16 | " | |
| | 35 | | | 64 | | 22 | 736 | | 19 | | 17 | " | |
| | 36 | | | | | 23 | " | | 20 | | 18 | 770 | |
| | 37 | | | | | 24 | 737 | | 21 | | 19 | " | |
| | 38 | | | | | 21 | 735 | | 22 | | 20 | " | |
| | 39 | | | | | 25 (1) | 737 | | 23 | | 21 | " | |
| | 40 | | | | | 26 | " | | 24 | | 22 | " | |
| | 41 | | | | | | C. R. 906. | | 25 | | 23 | " | |
| | 42 | | | | | | " 907. | | 26 | | 24 | 771 | |
| | 43 | | | | | | { Not consoli- dated. | | 27 | | 25 | " | |
| | 44 | | | | | | | | 28 | | 26 | " | |
| | 45 | | | | | | C. R. 890. | | 29 | | 28 | 772 | |
| | 46 | | | | | | " 1233. | | 30 | | 29 | " | |
| | | | | | | | " 1234. | | 31 | | 27 | 771 | |

| R. S. O. 1877. | | | | | | R. S. O. 1877. | | | | | |
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| Chap. | Sec. | CONSOLIDATED. | | | REMARKS. | Chap. | Sec. | CONSOLIDATED. | | | REMARKS. |
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| 67 | 32 33 | 67 | 31 30 | 772 " | | 71 | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 | 71 | 3 4 5 6 7 8 9 10 12 13 14 15 16 17 18 19 20 21 22 | 781 782 " " " " 783 " 784 " " " 785 " " " " 781 | |
| 68 | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 | 66 | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 | 757 " 758 " " " " 759 " 759 " 760 " " 761 " " 762 " | Sec C.R. 1089 " 1091 Sec C.R. 1093 " 1094 " 1095 " 1096 Sec C.R. 1097 Rep. 46 V. c. 6, s. 4 (4). | 72 | 1 2 (1, 2) (3) 3 4 5 6 7 8 9 | 72 | 2 3 5 1 24 6 21 7 | 786 " 787 786 791 787 790 787 | Sup. 41 V. c. 4, s. 9 (2). |
| | 20, 21 | | | | | | | | | | |
| | 22 23 24 25 26 27 28 29 30 31 Sched. | 66 | 21 22 23 24 25 51 27 26 26 28 Sched. | 762 763 " " " 249 764 764 28 765 | Unnecessary | 73 | 1 2 3 4 5 6 7 8 9 | 73 | 1 (1) 2 3 4 5 6 7 12 13 14 15 16 17 18 19 20 21 22 23 1 (2) | 793 " " " 794 " " 795 " 796 " " " 797 " 798 " 793 | Unnecessary |
| 69 | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 | 68 | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 | 773 " 774 " " " 775 " " " 776 " " " " " | | | | | | | |
| 70 | 1 2 3 4, 5 6 7 8 9 10 11 | 70 | 1 2 3 4 5 6 7 8 | 779 " " 779 780 " " " | Effete. Effete. | 74 | 1 2 3 4 5 6 7 | 74 | 1 3 4 5 7 8 9 | 798 800 " " 801 " " | |

| R. S. O. 1877. | | | | | R. S. O. 1877. | | | | | | | | | |
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| Chap. | Sec. | CONSOLIDATED. | | | REMARKS. | Chap. | Sec. | CONSOLIDATED. | | | REMARKS. | | | |
| | | Chap. | Sec. | Page. | | | | Chap. | Sec. | Page. | | | | |
| 75 | 1 | 75 | 1 | 802 | | 78 | 17 | | | | { Sup. 43 V. 3, s. 1; 47 V. c. 10, s. 16 (1). | | | |
| | 2 | | 2 | " | | | | | | | | | | |
| | 3 | | 3 | " | | 79 | 1 | 80 | 1 | 820 | | | | |
| | 4 | | 4 | 803 | | | 2 | | 2 | " | | | | |
| | 5 | | 5 | " | | | 3 | | 3 | 821 | | | | |
| | 6 | | 6 | " | | | 4 | | 5 | " | | | | |
| | 7 | | 7 | 804 | | | 5 | | 6 | " | | | | |
| | 8 | | 8 | " | | | 6 | | 7 | " | | | | |
| | 9 | | 9 | " | | | 7 | | 8 | 822 | | | | |
| | 10 | | 10 | 805 | | | 8 | | 9 (1) | " | | | | |
| | 11 | | 11 | " | | | 9 | | 10 | " | | | | |
| | 12 | | 12 | " | | | 10 | | 11 | 823 | | | | |
| | 13 | | 13 | " | | | 11 | | 12 | " | | | | |
| | 14 | | 14 | " | | 80 | 1 | 62 | 1, 2 | 725 | { Not consoli- dated. | | | |
| | 15 | | 15 | " | | | | | | 726 | | | | |
| | 16 | | 16 | 806 | | | | | | " | | | | |
| | 17 | | 17 | " | | | | | | " | | | | |
| | 18 | | 18 | " | | | | | | 823 | | | | |
| | Sch. (1) | Sch. (1) | " | " | | | | | | | | | | |
| | (2) | (2) | 807 | " | | | | | | | | | | |
| | (3) | (3) | " | " | | | | | | | | | | |
| | (4) | (4) | 808 | " | | | | | | | | | | |
| | (5) | (5) | 809 | " | | | | | | | | | | |
| 76 | 1 | 76 | 1 | 809 | | 81 | 1 | 81 | 1 | 824 | | | | |
| | 2 | | 2 | 810 | | | | | 2 | 2 | | " | | |
| | 3 | | 3 | " | | | | | 3 | 3 | | " | | |
| | 4 | | 4 | " | | | | | 4 | 4 | | 825 | | |
| | 5 | | 5 | 811 | | | | | 82 | 1 | | 82 | 1 | 825 |
| | 6 | | 6 | " | | | | | | 2 | | | 2 | " |
| | 7 | | | | | | | | | 3 | | | 3 | " |
| | 8 | 76 | 8 | 811 | | { Rep. 49 V. c. 16, s. 21. | 4 | 4 | | 826 | | | | |
| 77 | 1, 2 | 78 | 1 | 814 | | 83 | 1 | 82 | 13 | 827 | | | | |
| | 3 | | 2 | " | | | | | 2 | 14 | | 828 | | |
| | 4 | | 3 | " | | | | | 3 | 15 | | " | | |
| | Sch. A | { | Sch. (1-6) | 814-5 | | | | | 4 | 16 | | " | | |
| | Sch. B. (1-3) | | (1-3) | 814 | | | | | 5 | 17 | | 829 | | |
| | (4) | | | | | | | | 6 | 18 | | " | | |
| | (5-9) | 78 { | Sch. (9-13) | 815 | | | | | 7 | 19 | | " | | |
| | (10) | | 4 | 814 | | | | | 8 | 20 | | " | | |
| | | | | | | | | | 9 | 21 | | " | | |
| | | | | | | | | | { Sup. 41 V. c. 4, s. 6. | 10 | | 22 | 830 | |
| 78 | 1 | 79 | 1 | 816 | | | | | 11 | 23 | | " | | |
| | 2 | | 2 | " | | | | | 12 | 24 | | " | | |
| | 3 | | 3 | " | | | | | 13 | 25 | | " | | |
| | 4 | | 4 | " | | | | | 14 | 26 | | " | | |
| | 5 | | 5 | 817 | | | | | 15 | 27 | | 831 | | |
| | 6 | | 6 | " | | | | | 16 | 28 | | " | | |
| | 7 | | 7 | " | | | | | 17 | 29 | | " | | |
| | 8 | | 8 | " | | | | | 18 | 30 | | 832 | | |
| | 9 | | 9 | " | | | | | | | | | | |
| | 10 | | 10 | 818 | | | | | | | | | | |
| | 11 | | 11 | 819 | | | | | | | | | | |
| | 12 | | 12 | " | | | | | | | | | | |
| | 13 | | 13 | " | | | | | | | | | | |
| | 14 | | 14 | " | | | | | | | | | | |
| | 15 | | 15 | " | | | | | | | | | | |
| | 16 | | 16 | 820 | | | | | | | | | | |

| R. S. O. 1877. | | | | | R. S. O. 1877. | | | | | | | |
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| Chap. | Sec. | CONSOLIDATED. | | | REMARKS. | Chap. | Sec. | CONSOLIDATED. | | | REMARKS. | |
| | | Chap. | Sec. | Page. | | | | Chap. | Sec. | Page. | | |
| 83 | 19 20 21 22 23 | 82 | 31 32 33 34 35 | 832 " " " " | | 87 | 4 5 6 7 8 9 10 | 87 | 4 5 6 7 8 9 10 | 859 " " " " " " | | |
| 84 | 1 2 3 4 5 6 7 8 Sched. "She- riffs." "Cor- oners" "Cl'ks of the Peace." "Con- stables" 'Criers' | 83 | 1 2 4 5 6 7 8 9 Sched. "She- riffs." "Cor- oners." "Cl'ks of the Peace." "Con- stables" 'Criers' | 833 " 834 " " " " " 836 838 839 843 844 | | | 11 12 13 14 15 16 17 18 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 Sched. | 88 | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 Sched. | " " 862 " " " " 863 " " 864 " " 865 " " " | | |
| 85 | 1 2 3 4 5 6 7 8 9 10 11 12 | 84 | 1 2 3 4 5 6 8 9 10 11 12 | 845 " " 846 " " " 846 847 " " " | Rep. 47 V. c. 13, s. 1. | | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 Sched. | 89 | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 Sched. | 866 " 868 869 891 871 " " 873 " 869 873 " 21 (1) 23 24 25 26 28 (1) 28 (2) 29 | Part Rep. 45 V. c. 7, s. 2. Unnecessary Unnecessary | |
| 86 | 1 2 Sched. "She- riffs." "Cor- oner." "Cl'k of the Peace." "Con- stable." "Crier" "Other mat- ters." | 86 | 1 2 Sched. "She- riffs." "Cor- oner." "Clerk of the Peace." "Con- stable" "Crier" "Other mat- ters." | 852 " " 854 " " 856 857 " | | | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 | 91 | 2 3 (1) 4 5 81 12 13 14 18 19 6 20 20 21 (1) 23 24 25 26 28 (1) 28 (2) 29 | 868 869 891 871 " " 873 " 869 873 " 21 (1) 23 24 25 26 28 (1) 28 (2) 29 | Unnecessary Unnecessary | |
| 87 | 1 2 3 | 87 | 1 2 3 | 858 " " | | | | | | | | |

Rep. 47 V.
c. 13, s. 1.

Part Rep. 45
V. c. 7, s. 2.

Unnecessary

Unnecessary

| R. S. O. 1877. | | | | | R. S. O. 1877. | | | | | | | |
|----------------|-------|---------------|--------|-------|---------------------------------|-------|--------|---------------|------|--------|----------|-----|
| Chap. | Sec. | CONSOLIDATED. | | | REMARKS. | Chap. | Sec. | CONSOLIDATED. | | | REMARKS. | |
| | | Chap. | Sec. | Page. | | | | Chap. | Sec. | Page. | | |
| 90 | 22-24 | 91 | 30 | 875 | { Sup. 47 V. c. 14, s. 4. | 94 | 1 | 95 | 1 | 897 | | |
| | 25 | | 31 | 876 | | | 2 | | 2 | " | | |
| | 26 | | 40 | 878 | | | 3 | | 3 | " | | |
| | 27 | | 42 | " | | | 4 | | 4 | 898 | | |
| | 28 | | 41 | " | | | 5 | | 5 | " | | |
| | 29 | | 44 | 879 | | | 6 | | 6 | " | | |
| | 30 | | 45 | 880 | | 95 | 1 | | 100 | 27 | 912 | |
| | 31 | | 47 | " | | | 2 | | | 28 | " | |
| | 32 | | 48 | " | | | 3 | | | 29 | " | |
| | 33 | | 52 | 881 | | | 4 | | | 30 | 913 | |
| | 34 | | 53 | " | | | 5 | | | 34 | 914 | |
| | 35 | | 46 | 880 | | | 6 | | | 35 | " | |
| | 36 | | 49 | 881 | | | 7 | | | 33 | " | |
| | 37 | | 50 | " | | | 8 | | | 32 | 926 | |
| | 38 | | 51 | " | | | 9 | | | 100 | 914 | |
| | 39 | | | | | | 10 | | | 100 | 906 | |
| | 40 | | 64 (1) | 886 | | | 11 | | | 122 | 1190 | |
| | 41 | | (2) | " | | | 12 | | | 96 | 899 | |
| | 42 | | (3) | " | | | 13 | | | 2 | " | |
| | 43 | | 65 | " | | | 14 | | | 3 | " | |
| | 44 | | 7 | 870 | | | 15 | | | 1 | 901 | |
| | 45 | | 27 | 875 | | | | | | 2 | " | |
| | 46 | | 8 | 870 | | 96 | 1 | | 98 | 1 | 902 | |
| | 47 | | 78 (1) | 890 | | | 2 | | | 2 | " | |
| | 48 | | (2) | " | | | 3 | | | 3 | " | |
| | 49 | | (3) | " | | | 4 | | | 4 | " | |
| | 50 | | | | | | 5 | | | 5 | " | |
| | 51 | | 80 (2) | 891 | | | 1 | | | 99 | 1 | 903 |
| | 52 | | 79 | 890 | | | 2 | | | | 2 | " |
| | 53 | | 73 | 889 | | | 3 | | | | 3 | " |
| | 54 | | 74 | " | | | | | | | | |
| | 55 | | 75 | " | | | | | | | | |
| | (1) | | 76 | " | | | | | | | | |
| | (2) | | | | | | | | | | | |
| | 56 | | 77 | 890 | | 98 | 1 (1) | | 100 | 1 (1) | 904 | |
| | 57 | | 81 | 891 | | | (2) | | | (6) | 905 | |
| | 58 | | 35 (1) | 876 | | | (3) | | | (2) | 904 | |
| | 59 | | (1,2) | 876-7 | | | (4, 5) | | | (3, 4) | 905 | |
| | 60 | | (2) | 877 | | | 2 | | | 2 | " | |
| | 61 | | (3) | " | | | 3 | | | 3 | " | |
| | 62 | | 36 | " | | | 4 | | | 8 | 906 | |
| | | | | | | | 5 | | | 9 | " | |
| | | | | | | | 6 | | | 10 | " | |
| | | | | | | | 7 | | | 11 | 907 | |
| | | | | | | | 8 | | | 13 | " | |
| | | | | | | | 9 | | | 14 | " | |
| | | | | | | | 10 | | | 18 | 910 | |
| | | | | | | | 11 | | | 20 | 911 | |
| | | | | | | | 12 | | | 21 | " | |
| | | | | | | | 13 | | | 22 | " | |
| | | | | | | | 14 | | | 23 | 912 | |
| | | | | | | | 15 | | | 24 | " | |
| | | | | | | | 16 | | | 25 | " | |
| | | | | | | | 17 | | | 26 | " | |
| | | | | | | | 18 | | | 37 | 914 | |
| 92 | 1 | 93 | 1 | 896 | { Rep. 50 V. c. 7, s. 8. | 99 | 1 | 102 | 8 | 919 | | |
| | 2 | | 2 | " | | | 2 | | 9 | 920 | | |
| 93 | 1 | 94 | 1 | " | { Rep. 41 V. c. 8, s. 11. | | 3 | | 10 | " | | |
| | 2 | | 2 | " | | | 4 | | 11 | " | | |
| | 3 | | 3 | 897 | | | 5 | | 12 | " | | |
| | 4 | | 4 | " | | | 6 | | 13 | " | | |
| | | | | | | | 7 | | 15 | 921 | | |

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| 100 | 1 | 103 | 1 | 927 | | 101 | 23 | 104 | 23 | 944 | | | | | |
| | 2 | | 2 | 929 | | | 24 | | 24 | " | | | | | |
| | 3 | | 3 | " | | | 25 | | 25 | 945 | | | | | |
| | 4 | | 4 | " | | | 26 | | 26 | " | | | | | |
| | 5 | | 5 | " | | | 27 | | 27 | " | | | | | |
| | 6 | | 6 | " | | | 28 | | 28 | " | | | | | |
| | 7 | | 7 | " | | | 29 | | 29 | " | | | | | |
| | 8 | | 8 | 930 | | | 30 | | 30 | " | | | | | |
| | 9 | | 9 | " | | | 31 | | 31 | 946 | | | | | |
| | 10 | | 10 | " | | | 32 | | 32 | " | | | | | |
| | 11 | | 11 | 931 | | | 33 | | 33 | " | | | | | |
| | 12 | | 12 | " | | | 34 | | 34 | " | | | | | |
| | 13 | | 13 | " | | | 35 | | 35 | 947 | | | | | |
| | 14 | | 14 | " | | | 36 | | 36 | " | | | | | |
| | 15 | | 15 | " | | | 37 | | 37 | " | | | | | |
| | 16 | | 16 | 932 | | | 38 | | 38 | 948 | | | | | |
| | 17 | | 17 | " | | | 39 | | 39 | " | | | | | |
| | 18 | | 18 | " | | | 40 | | 40 | " | | | | | |
| | 19 | | 19 | " | | | 41 | | 41 | 949 | | | | | |
| | 20 | | 20 | 933 | | | 42 | | 42 | " | | | | | |
| | 21 | | 21 | " | | | 43 | | 43 | " | | | | | |
| | 22 | | 22 | " | | | 44 | | 44 | " | | | | | |
| | 23 | | 23 | 934 | | | 45 | | 45 | 950 | | | | | |
| | 24 | | 24 | " | | | 46 | | 46 | " | | | | | |
| | 25 | | 25 | " | | | 47 | | 47 | " | | | | | |
| | 26 | | 26 | 935 | | | 48 | | 48 | 951 | | | | | |
| | 27 | | 27 | " | | | 49 | | (1) | 49 | | " | | | |
| | 28 | | 28 | " | | | (2) | | 50 | 50 | | " | | | |
| | 29 | | 29 | " | | | 50 | | 51 | 51 | | 952 | | | |
| | 30 | | 30 | 936 | | | 51 | | 54 | 54 | | " | | | |
| | 31 | | 31 | " | | | 52 | | 55 | 55 | | 953 | | | |
| | 32 | | 32 | " | | | 53 | | 56 | 56 | | " | | | |
| | 33 | | 33 | " | | | 54 | | (1) | 57 | | " | | | |
| | 34 | | 34 | " | | | (2) | | 58 | 58 | | " | | | |
| | 35 | | 35 | " | | | 55 | | 59 | 59 | | " | | | |
| | 36 | | 36 | 937 | | | 56 | | 60 | 60 | | " | | | |
| | 37 | | 37 | " | | | 57 | | 61 | 61 | | 954 | | | |
| | 38 | | 38 | " | | | 58 | | 62 | 62 | | 955 | | | |
| | 39 | | 39 | 938 | | | 59 | | 63 | 63 | | " | | | |
| 101 | 1 | 104 | 1 | 939 | | 102 | 60 | 105 | 64 | " | | | | | |
| | 2 | | 2 | " | | | 61 | | 65 | " | | | | | |
| | 3 | | 3 | " | | | 62 | | 66 | " | | | | | |
| | 4 | | 4 | 940 | | | 63 | | 67 | " | | | | | |
| | 5 | | { 44 | 34 (5) | | | 455 | | 64 | 68 | | " | | | |
| | 6 | | { 104 | 6 | | | 940 | | 65 | 69 | | 956 | | | |
| | 7 | | { 44 | 34 (5) | | | 455 | | 103 | 1 | | 106 | 1 | 956 | |
| | 8 | | { 104 | 5 | | | 940 | | | 2 | | | 2 | " | |
| | 9 | | | 8 | | | " | | | 3 | | | 3 | 957 | |
| | 10 | | | 9 | | | 941 | | | 4 | | | { 100 | 12 | 907 |
| | 11 | | | 10 | | | " | | | 5 | | | { 105 | 4 | 957 |
| | 12 | | | 11 | | | (1) " | | | 6 | | | { 147 | 52 | 1359 |
| | 13 | | | 12 | | | 942 | | | 6 | | | { 105 | 5 | 957 |
| | 14 | | | 13 | | | " | | | Sch. A. | | | Sch. A. | " | |
| | 15 | | | 14 | | | " | | | " B. | | | " B. | " | |
| | 16 | | | 15 | | | " | | | 103 | | | 1 | 106 | 1 |
| | 17 | | | 16 | | | " | | 2 | | | 2 | " | | |
| | 18 | | | 17 | | | 943 | | 3 | | | 3 | " | | |
| | 19 | | | 18 | | | " | | Sch. A. | | | Sch. A. | 962 | | |
| | 20 | | | 19 | | | " | | " B. | | | " B. | " | | |
| | 21 | | | 20 | | | " | | | | | | | | |
| | 22 | | | 21 | | | " | | | | | | | | |
| 22 | | 22 | 944 | | | | | | | | | | | | |

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| | 31 | | | | | | 2 | | 2 | “ | |
| | 32 | 110 | 34 | 1007 | | | 3 | | 3 | “ | |
| | 33 | | 35 | 1008 | 4 | | 4 | | 1023 | | |
| | 34 | | | | 5 | | 5 | | “ | | |
| | 35 | 110 | 37 | 1009 | 6 | | 6 | | (1) “ | | |
| | 36, 37 | | 38 | 1010 | 7 | | 7 | | “ | | |
| | 38 | | 39 | “ | 8 | | 8 | | 1029 | | |
| | 39 | | 42 | “ | 9 | | 9 | | 1030 | | |
| | 40 | | 40 | “ | 10 | | 10 | | “ | | |
| | 41 | | 41 | “ | 11 | | 11 | | “ | | |
| | 108 | 1 | 111 | 1 | 1012 | | { Rep. 46 V. c. 9, s. 1. | | 110 | 12 |  | 12 | “ |
| 2 | | “ | | 13 | 13 | “ | | | | | |
| 3 | | “ | | 14 | 14 | “ | | | | | |
| 4 | | 4 | | 1013 | 15 | 15 | | 1031 | | | |
| 5 | | 5 | | “ | 16 | 16 | | “ | | | |
| 6 | | 6 | | 1016 | 17 | 17 | | “ | | | |
| 7 | | 7 | | “ | 18 | 18 | | “ | | | |
| 8 | | 8 | | “ | 19 | 19 | | “ | | | |
| 9 | | 9 | | 1017 | 20 | 20 | | “ | | | |
| 10 | | 10 | | “ | 21 | 21 | | “ | | | |
| 11 | | 11 | | “ | 22 | 22 | | 1032 | | | |
| 12 | | 12 | | “ | 23 | 23 | | “ | | | |
| 13 | | 13 | | “ | 24 | 24 | | “ | | | |
| 14 | | 14 | | “ | 25 | 25 | | “ | | | |
| 15 | | 15 | | 1018 | 26 (1) | 26(1a-d) | | “ | | | |
| 16 | | 16 | | “ | (2) | (2) | | 1033 | | | |
| 17 | | 17 | | “ | 27 | 27 | | “ | | | |
| 18 | | 18 | | “ | 28 | 28 | | “ | | | |
| 19 | | 19 | | “ | 29 | 29 | | “ | | | |
| 20 | | 20 | | 1019 | 30 | 30 | | “ | | | |
| 21 | | 21 | | “ | 31 | 31 | | 1034 | | | |
| 22 | | 22 | | “ | 32 | 32 | | “ | | | |
| 23 | | 23 | | “ | 33 | 33 | | “ | | | |
| 24 | | 24 | | 1020 | 34 | 34 | | “ | | | |
| 25 | | 25 | | “ | 35 | 35 | | “ | | | |
| 26 | | 27 | | “ | 36 | 36 | | “ | | | |
| 27 | | 28 | | “ | 37 | 37 | | 1035 | | | |
| 28 | | 29 | | 1021 | 38 | 38 | | “ | | | |
| 29 | | 4 | | 1013 | 39 | 39 | | “ | | | |
| 30 | | 30 (1) | | 1021 | 40 | 40 | | “ | | | |
| 31 | | 31 | | “ | 41 | 41 | | “ | | | |
| 32 | | 32 | | “ | 42 | 42 | | “ | | | |
| 33 | | 33 | | 1022 | 43 | 43 | | 1036 | | | |
| 34 | | 34 | | “ | 44 | 44 | | “ | | | |
| 35 | | 35 | | “ | 45 | 45 | | “ | | | |
| 36 |  | ..... |  | ..... | 46 | 46 | | “ | | | |
| 37 | | 111 | | 37 | 47 | 47 | | “ | | | |
| 38 | | | | 38 | 48 | 48 | | “ | | | |
| 39 | | | | 39 | 49 | 50 | | 1037 | | | |
| 40 | | | | 40 | Sched. | Sched. | | “ | | | |
| 41 | | | | 41 | (1) | From (1) | | “ | | | |
| 42 | | | | 42 | (2) | (2) | | 1038 | | | |
| 43 | | | | 43 | (3) | (3) | | “ | | | |
| 44 | | | | 44 | (4) | (4) | | 1039 | | | |
| 45 | | | | 45 | (5) | (5) | | “ | | | |
| 46 | | | | 46 | 1025 | | | | | | |
| 109 | 1 | 112 | 1 | “ | 111 | 1 | 114 | 1 | 1040 | | |
| | 2 | | 2 | 2 | | “ | | | | | |
| | 3 | | 3 | 3 | | 1041 | | | | | |
| | 4 | | 4 | 4 | | “ | | | | | |
| | | | 5 | 5 | 5 | “ | | | | | |
| | | | 6 | 6 | 6 | 1042 | | | | | |

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| | 8 | | 8 | " | | | 68 | | 72 | 1058 | |
| | 9 | | 9 | " | | | 69 | (1) | 70 | " | |
| | 10 | | 10 | 1043 | | | (2) | | (2) | " | |
| | 11 | | 11 | " | | | 70 | | 71 | " | |
| | 12 | | 12 | " | | | 71 | | 73 | 1059 | |
| | 13 | | 13 | " | | | 72 | | 74 | 1060 | |
| | 14 | | 14 | " | | | 73 | | 75 | " | |
| | 15 | | 15 | " | | | 74 | | 76 | " | |
| | 16 | | 16 | " | | | 75 | | 77 | " | |
| | 17 | | 17 | 1044 | | | 76 | | 78 | 1061 | |
| | 18 | | 18 | " | | | 77 | | 79 | " | |
| | 19 | | 19 | " | | | 78 | | 80 | " | |
| | 20 | | 20 | " | | | 79 | | 81 | " | |
| | 21 | | 21 | " | | | 80 | | 82 | " | |
| | 22 | | 22 | 1045 | | | 81 | | 83 | 1062 | |
| | 23 | | 23 | " | | | 82 (1) | | | | Rep. 50, V. c 8, Sched. |
| | 24 | | 24 | " | | | 83 (2-4) | | 84 (2-4) | 1062 | |
| | 25 | | 25 | 1046 | | | | | 85 | 1063 | |
| | 26 | | 26 | " | | | 84 | | 86 | " | |
| | 27 | | 27 | " | | | 85 | | | | Rep. 48 V. c. 23, s. 2. |
| | 28 | 91 | 37 | 877 | | | 86 | 114 | 89 | 1065 | |
| | 29 | 114 | 28 | 1047 | | | 87 | | 90 | " | |
| | 30 | | 29 | 1048 | | | 88 | | 91 | " | |
| | 31 | | 30 | " | Rep. 49 V. c. 16, s. 29. | | 89 | | 92 | " | |
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| | 34 | | 32 | 1049 | | | 92 (1 7) | | 95 (1-7) | 1067-8 | |
| | 35 | | 33 | " | Effete. | | (8) | 114 | 95(8-12) | 1068 | Effete. |
| | 36 | 114 | 34 | 1049 | | | (9-13) | | 96 | " | |
| | 37 | | 35 | " | | | 93 | | 97 | " | |
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| | 39 | | 37 | 1050 | | | 95 | | 99 | 1069 | |
| | 40 | | 38 | " | | | 96 | | 100 | " | |
| | 41 | | 39 | " | | | 97 | | 101 | " | |
| | 42 | | 40 | " | | | 98 | | 102 | " | |
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| | 44 | | 42 | 1052 | | | 101 | | 105 | " | |
| | 45 | | 43 | " | | | 102 | | 106 | " | |
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| | 47 | | 45 | " | | | 104 | | 108 | " | |
| | 48 | | 46 | 1053 | | | 105 | | 109 | " | |
| | 49 | | 47 | " | | | 106 | | 110 | 1071 | |
| | 50 | | 48 | 1054 | | | 107 | | | | Effete. |
| | 51 | | 49 | " | | | 108 | | | | |
| | 52 | | 50 | " | | | Sched. A-N. | 114 | Sched. A-N. | 1071-7 | |
| | 53 | | 51 | " | | | | | | | |
| | 54 | | 52 | " | | | | | | | |
| | 55 | | 53 | " | | | | | | | |
| | 56 | 61 | 54 | " | | 112 | 1 | 117 | 1 | 1162 | |
| | 57 | 114 | 55 | 722 | | | 2 | | 2 | " | |
| | 58 | | 56 | 1055 | | | 3 | | 3 | 1163 | |
| | 59 | | 57 | " | | | 4 | | 4 | 1163 | |
| | 60 | | 58 | " | | | 5 | | 5 | " | |
| | 61 | | 59 | " | | | 6 | | 6 | " | |
| | 62 | | 60 | " | | | 7 | | 7 | " | |
| | 63 | | 61 | 1056 | | | 8 | | 8 | " | |
| | 64 | | 62 | " | | | | | | | Rep. 45 V. c 13, s. 3. |
| | 65 | | 63 | " | | | 9 | 117 | 10 | 1164 | |
| | 66 | | | | Rep. 48 V. c. 23, s. 1. | | 10 | | 11 | " | |
| | 67 | 114 | 65 | 1056 | | | 11 | | 12 | " | |
| | | | 66 | 1057 | | | 12 | | 13 | " | |
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| | 2 | | 2 | " | | | 17 | | " | | |
| | 3 | | 3 | " | | | 18 | | 1193 | | |
| | 4 | | 4 | 1166 | | | 19 | | " | | |
| | 5 | | 5 | " | | 117 | 1 | 123 | 1 | 1195 | |
| | 6 | | 6 | " | | | 2 | | 2 | " | |
| | 7 | | 7 | " | | | 3 | | 3 | 1196 | |
| | 8 | | 8 | 1167 | | | 4, 5 | | | | |
| | 9 | | 9 | " | | | 6 | | 4 | 1196 | |
| | 10 | | 10 | " | | | 7 | | 5 | " | |
| | 11 | | 11 | 1168 | | | 8 | | 6 | " | |
| | 12 | | 12 | " | | | 9 | | 7 | " | |
| | 13 | | 13 | " | | | 10 | | 8 | " | |
| | 14 | | 14 | " | | | 11 | | 9 | 1197 | |
| | 15 | | 15 | " | | | | | | | |
| | 16 | | 16 | 1169 | | | | | | | |
| | 114 | | 1 | 119 | | | 1 | | 1169 |  |  | 118 | 1 | 124 | 1 | 1197 |
| 2 | | 2 | 1170 | | 2 | ..... |  |  |  |  |  |
| 3 | | 3 | " | | 119 | 1 | 125 | 1 | 1207 | | |
| 4 | | 4 | " | | | 2 | | 2 | " | | |
| 5 | | 5 | 1171 | | | 3 | | 3 | 1208 | | |
| 6 | | 6 | " | | | 4 | | 4 | " | | |
| 7 | | 7 | " | | | 5 | | 5 | " | | |
| 8 | | 8 | " | | | 6 | | 6 | " | | |
| 9 | | 9 | " | | | 7 | | 8 | 1209 | | |
| 10 | | 10 | " | | | 8 | | 9 | " | | |
| 11 | | 11 | 1172 | | | 9 | | 10 | " | | |
| 12 | | 12 | " | | | 10 |  | ..... |  |  |  |
| 13 | | 13 | " | | | 11 | | 15 | 1211 | | |
| 14 | | 14 | " | | | 12 | 125 | 16 | " | | |
| 15 | | 15 | " | | | 13 | | 17 | " | | |
| 16 | | 16 | " | | | 14 | | 18 | " | | |
| 17 | | 17 | 1173 | | | 15 |  | ..... |  |  |  |
| 18 | | 18 | " | | | 16 | 125 | 20 | 1212 | | |
| 19 | | 19 | " | | | 17 | | 21 | " | | |
| 20 | | 20 | " | | | 18 | | 22 | " | | |
| 21 | | 21 | " | | | 19 | | 23 | " | | |
| 22 | | 22 | " | | | 20, 21 |  | ..... |  |  |  |
| 115 | 1 | 120 | 1 | 1174 | | 120 | 1 | 126 | 1 | 1216 | |
| | 2 | | 2 | 1175 | | | 2 | | 2 | " | |
| | 3 | | 3 | " | | | 3 | | 4 | 1217 | |
| | 4 | | 4 | " | | | 4 (1, 2) | | 16 | 1220 | |
| | 5 | | 5 | " | | | (3) | | 19 | 1221 | |
| | 6 | | 6 | 1176 | | | 5 | | 18 (1) | " | |
| | 7 | | 7 | " | | | (3-5) | 125 | 24 (3-5) | 1213 | |
| | 8 | | 8 | " | | | 23 | | 27 | " | |
| | 9 | | 9 | " | | | 24 | | 28 | 1214 | |
| | 10 | | 10 | " | | | 25 | | 29 | " | |
| 116 | 1 | 122 | 1 | 1188 | | 120 | Sched. | Sch. A. | | | |
| | 2 | | 2 | " | | | 1 | | 1 | 1216 | |
| | 3 | | 3 | 1189 | | | 2 | | 2 | " | |
| | 4 | | 4 | " | | | 3 | | 4 | 1217 | |
| | 5 | | 5 | " | | | 4 (1, 2) | | 16 | 1220 | |
| | 6 | | 6 | 1190 | | | (3) | | 19 | 1221 | |
| | 7 | | 7 | " | | | 5 | | 18 (1) | " | |
| | 8 | | 8 | " | | | | | 5 (1,2) | 1217 | |
| | 9 | | 9 | " | | | 6 | | 8 | 1218 | |
| | 10 | | 10 | 1191 | | | | | 10 | 1219 | |
| | 11 | | 11 | " | | | | | 5 (3) | 1217 | |
| | 12 | | 12 | " | | | 7 | | 11 | 1219 | |
| | 13 | | 13 | " | | | 8 | | 12 | " | |
| | 14 | | 14 | " | | | 9 | | 13 | " | |

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| | 13 | 29 | 1223 | | | | 11 | 11 | “ | | |
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| | 17 | 30 (6) | 1223 | | | | 15 | 14 | “ | | |
| | 18 | 14(1-3) | 1219 | | | | 16 | 15 | “ | | |
| | 19 | | (4) | 1220 | 17 | | 16 | “ | | | |
| | 20 | 22 | 1221 | 18 | 17 | | “ | | | | |
| | 21 | 23 | 1222 | 19 | 18 | | “ | | | | |
| | 22 | 15 | 1220 | | Sch. A. | | Sch. A. | 1240 | | | |
| | 23 | 30 (7, 8) | 1224 | | “ B. | | “ B. | “ | | | |
| | 24 | (9) | “ | | “ C. | | “ C. | 1241 | | | |
| | 25 | 31 | “ | | “ D. | | “ D. | “ | | | |
| | 26 | 19 | 1221 | 124 | 1 | | 131 | 1 | 1243 | | |
| | Sched. | Sched. | 1225 | | 2 | | 2 | 1244 | | | |
| | 121 | 1 | 128 | | 1 | | 1228 | 3 | 3 | “ | |
| | | 2 | 2 | | “ | | 4 | 4 | “ | | |
| | | 3 | 3 | | 1229 | | 5 | 5 | “ | | |
| | | 4 | 4 | | “ | | 6 | 6 | “ | | |
| | | 5 | 5 | | “ | | 7 | 7 | “ | | |
| | | 6 | 6 | | “ | | 8 | 8 | 1245 | | |
| | | 7 | 7 | | 1230 | | 9 | 9 | “ | | |
| | | 8 | 8 | | “ | | 10 | 10 | “ | | |
| | | 9 | 9 | | “ | | 11 | 11 | 1246 | | |
| 10 | | 10 | “ | | 12 | 12 | “ | | | | |
| 11 | | 11 | “ | | 13 | 13 | “ | | | | |
| 12 | | 12 | “ | | 14 | 14 | 1247 | | | | |
| 13 | | 13 | “ | | 15 | 15 | “ | | | | |
| 14 | | 14 | 1231 | | 16 | 16 | “ | | | | |
| 15 | | 15 | “ | | 17 | 17 | “ | | | | |
| 16 | | 16 | “ | | 18 | 18 | “ | | | | |
| 17 | | 17 | “ | | 19 | 19 | “ | | | | |
| 122 | 1 | 129 | 1 | | 1232 | 20 | 20 | “ | | | |
| | 2 | 2 | “ | | 21 | 22 | 1248 | | | | |
| | 3 | 3 | “ | | | Sch. A. | Sch. A. | “ | | | |
| | 4 | 4 | “ | | | “ B. | “ B. | 1249 | | | |
| | 5 | 5 | “ | | | “ C. | “ C. | “ | | | |
| | 6 | 6 | 1233 | | 125 | 1 | | | Short title. | | |
| | 7 | 7 | “ | | | 2-5 | 132 | 4 | | 1251 | |
| | 8 | 8 | “ | | | | | { | | | |
| | 9 | 9 | “ | 6-26 | | | | | | Rep. 47 V. c. 19, s. 22, sav- ing acquired rights. | |
| | 10 | 10 | “ | ..... |  | ..... | ..... |  |  |  |  |
| 11 | 11 | 1234 | 126 | 1 | 133 | 1 | 1259 | | { | | |
| 12 | 12 | “ | | 2 | 2 | “ | Unnee'y. See c. 134, s. 3. Part Rep. 47 V. c. 19, s. 22; rest unnee'y, see c. 134, s. 3 Effete. | | | | |
| 13 | 13 | “ | | 3 | 3 | “ | | | | | |
| 14 | 14 | “ | | 4 | 4 | 1260 | | | | | |
| 15 | 15 | “ |  | ..... | ..... | ..... |  |  |  |  |  |
| 16 | 16 | “ | | 5 | ..... | ..... |  |  |  |  |  |
| 17 | 17 | “ |  | ..... | ..... | ..... |  |  |  |  |  |
| 18 | 18 | “ | | 6 | ..... | ..... |  |  |  |  |  |
| Sched. | Sched. | 1235 |  | ..... | ..... | ..... |  |  |  |  |  |
| 123 | 1 | 130 | | 1 | 1236 | 7 | | | | | 1261 |
| | 2 | 2 | “ | 8 (1, 2) | 133 | 10 (1, 2) | | { | | | |
| | 3 | 3 | 1237 | (3) | | 14-17 | 1262 3 | | | | |
| | 4 | 4 | “ | | | 9 (2) | 1261 | | | | |
| | 5 | 5 | “ | 9 | | 10 (3) | “ | | | | |
| | 6 | 6 | “ | 10 (1) | | 9 (1) | 1260 | | | | |
| | 7 | 7 | “ | (2) | | 14-17 | 1262 3 | | | | |
| | 8 | 8 | “ | 11 | | 18 | 1263 | | | | |

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| | 2 | | 2 | " | | | 2 | | 2 | " | |
| | 3 | | 3 | " | | | 3 | | 3 | " | |
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| | 6 | 133 | 14 | 1262 | | | 5 | | 5 | " | |
| | 7 | | 15 | " | | | 6 | | 6 | " | |
| | 8 | | 16 | " | | | 7 | | 7 | " | |
| | 9 | | | | | | 8 | | 8 | " | |
| | 10 | 133 | 17 | 1263 | | | 9 | | 9 | " | |
| | 11, 12 | | | | | | 10 | | 10 | " | |
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| | 14 | 134 | 4 | 1265 | | | 12 | | 12 | 1290 | |
| | | | 5 | " | | | 13 | | 13 | " | |
| 128 | 1 | 135 | 1 | 1266 | { Rep. 47 V. c. 20, s. 24. | | 14 | | 14 | " | |
| | 2 | | 2 | " | | | 15 | | 15 | " | |
| | 3 | | 3 | 1267 | | | 16 | | 16 | " | |
| | 4 | | 4 | " | | | 17 | | 17 | " | |
| | 5 | | 5 | " | | | 18 | | 18 | " | |
| | 6 | | 6 | " | | | 19 | | 19 | 1291 | |
| | | | | | | | 20 | | 20 | " | |
| | | | | | | | 21 | | 21 | " | |
| | | | | | | | 22 | | 22 | " | |
| 129 | | | | | | | 23 | | 23 | 1292 | |
| | | | | | | | 24 | | 24 | " | |
| | | | | | | | 25 | | 25 | " | |
| | | | | | | | 26 | | 26 | " | |
| 130 | 1 | | | | { Sup. 50 V. c. 21, s. 1. | | 27 | | 27 | " | |
| | 2 | 137 | 21 | 1281 | | | 28 | | 28 | " | |
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| | 4 | 137 | 2 | 1277 | | | Sched. | | Sched. | 1293 | |
| 131 | 1 | 138 | 1 | 1282 | { Sup. 50 V. c. 21, s. 6. | 135 | 1 | 142 | 1 | 1304 | |
| | 2 | | 2 | " | | | 2 | | 2 | " | |
| | 3 | | 3 | " | | | 3 | | 3 | 1305 | |
| | 4 | | 4 | " | | | 4 | | 4 | " | |
| | 5 | | 5 | " | | | 5 | | 5 | " | |
| | | | | | | | 6 | | 6 | " | |
| 132 | 1 | 137 | 10 | 1278 | | | 7 | | 7 | " | |
| | 2 | | 11 | 1279 | | | 8 | (1) | 8 | 1306 | |
| | 3 | | 12 | " | | | 9 | | 9 | " | |
| | 4 | | 18 | 1280 | | | 10 | | 10 | " | |
| | 5 | | | | | | 11 | | 11 | " | |
| | 6 | 137 | 19 | 1281 | | | 12 | | 12 | " | |
| | 7 | | 20 | " | | | 13 | | 13 | 1307 | |
| | 8-10 | | | | | 14 | | 14 | " | | |
| | | | | | { Rep. 50 V. c. 21, s. 10. | | 15 | | 15 | " | |
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| | | | | | Effete. | | 19 | | 19 | 1308 | |
| 133 | 1 | 139 | 1 | 1283 | { Rep. 49 V. c. 27, s. 1. | | 20 | | 20 | " | |
| | 2 | | 2 | " | | | 21 | | 21 | " | |
| | 3 | | 3 | 1284 | | | 22 | | 22 | " | |
| | 4 | | 4 | " | | | 23 | | 23 | 1309 | |
| | 5 | | 5 | " | | | 24 | | 24 | " | |
| | 6 | | 6 | " | | | 25 | | 25 | " | |
| | 7 | | 7 | " | | | 26 | | 26 | " | |
| | 8 | | | | | | 27 | | 27 | " | |
| | 9 | 139 | 9 | 1285 | | | 28 | | 28 | " | |
| | 10 | | 10 | " | | | 29 | | 29 | 1310 | |
| | 11 | | 11 | " | | 136 | 1 | 143 | 1 | 1311 | |
| | 12 | | 12 | " | | | 2 | | 2 | 1312 | |
| | 13 | | 14 | 1286 | | | 3 | | 3 | " | |
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| | 6 | | 6 | " | | | 41 | | 43 | " | | |
| | 7 | | 7 | " | | | 42 | | " | " | | |
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| | 9 | | 12 | 1315 | | | 44 | | 49 | " | | |
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| | 3 | | 3 | 1327 | | | (4, 5) | | 146 | 1 (4,5) | | 1341- |
| | 4 | | 4 | " | | | 2 | | 2 | 1342 | | |
| | 5 | | 5 | " | | | 3 | | 3 | " | | |
| | 6 | | 6 | 1328 | | | 4 | | 4 | " | | |
| | 7 | | 7 | " | | | 5 | | 5 | " | | |
| | 8 | | 8 | " | | | 6 | | 6 | 1343 | | |
| | 9 | | 9 | " | | | 7 | | 7 | " | | |
| | 10 | | 10 | " | | | | | | | | |
| | 11 | | 11 | " | | | | | | | | |
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| | 145 | | | | | 2 (1,5) | | 3 (1-5) | 1344 | | | |
| 1 | | 1 | 1331 | | | (6) | | " | " | | | |
| 2 | | 2 | " | | | 3 | | 4 | 1345 | | | |
| 3 | | 3 | " | | | 4 | | 5 | " | | | |
| 4 | | 4 | 1332 | | | 5 | | 6 | 1346 | | | |
| 5 | | 5 | " | | | 6 | | 7 | 1348 | | | |
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| 9 | | 9 | " | | | 10 | | 11 | 1350 | | | |
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| 11 | | 13 | " | | | 12 | | 12 | 1350 | | | |
| 12 | | 14 | " | | | 13 | | 13 | " | | | |
| 13 | | 15 | " | | | 14 | | 14 | " | | | |
| 14 | | 16 | " | | | 15 | | 15 | 1351 | | | |
| 15 | | 17 | " | | | 16 | | 16 | " | | | |
| 16 | | 18 | 1334 | | | 17 | | 17 | " | | | |
| 17 | | 19 | " | | | 18 | | 18 | " | | | |
| 18 | | 20 | " | | | 19 | | 19 | " | | | |
| 19 | | 21 | " | | | 20 | | 20 | 1352 | | | |
| 20 | | 22 | " | | | 21 | | 21 | " | | | |
| 21 | | 23 | 1335 | | 22 | 22 (1) | | " | | | | |
| 22 | | 24 | " | | 23 | (2) | | " | | | | |
| 23 | | 25 | " | | 24 | 23 | | " | | | | |
| 24 | | 26 | " | | 25 | 24 | | 1353 | | | | |
| 25 | | 27 | " | | 26 | 25 | | " | | | | |
| 26 | | 28 | " | | 27 | 26 | | " | | | | |
| 27 | | 29 | " | | 28 | 27 | | " | | | | |
| 28 | | 30 | 1336 | | 29 | 28 | | 1354 | | | | |
| 29 | | 31 | " | | 30 | 29 | | " | | | | |
| 30 | | 36 | 1337 | | 31 | 30 | | " | | | | |
| 31 | | 32 | 1336 | | 32 | 31 | | " | | | | |
| 32 | | 33 | " | 33 | 32 | " | | | | | | |
| 33 | | 34 | 1337 | 34 | 33 | 1355 | | | | | | |
| 34 | | 35 | " | 35 | 34 | " | | | | | | |
| 35 | | 37 | " | 36 | 35 | " | | | | | | |
| 36 | | 38 | " | 37 | 36 | " | | | | | | |
| 37 | | 39 | " | 38 | 37 | " | | | | | | |
| 38 | | 40 | 1338 | 39 | 38 | " | | | | | | |
| 39 | | 41 | " | 40 | 39 | " | | | | | | |

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| | 43 | | 42 | " | | | 49 | | 53 | " | | |
| | 44 | | 43 | " | | | 50 | | 54 | " | | |
| | 45 | | 44 | " | | | 51 | | 55 | " | | |
| | 46 | | 45 | 1357 | | | 52 | | 56 | " | | |
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| | 49 | | 48 | " | | | 55 | 1 | 8 (23) | 6 | | |
| | 50 | | 49 | " | | Sch. A. | | 148 | Sch. A. | 1375 | | |
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| | 2 | | 2 | " | | | | | | | | |
| | 3 | | 7 | 1419 | | | | | | | | |
| 142 | 1 | 148 | 1 | 1360 | | 144 | 1 | 150 | 1 | 1380 | | |
| | 2 | | 2 | 1361 | | | 2 | | 3 | 1381 | | |
| | 3 | | 3 | " | | | 3 | | 4 | " | | |
| | 4 | | 4 | " | | | 4 | | 5 | " | | |
| | 5 | | 5 | " | | | 5 | | 6 | " | | |
| | 6 | | 6 | 1361 { | Part Rep. 50, V. c. 24, s. 1. | | 6 | | 7 | 1382 | | |
| | 7 | | 7 | 1362 | | | 7 | | 8 | " | | |
| | 8 | | 8 | " | | | 8 | | 9 | " | | |
| | 9 | | 9 | " | | | 9 | | 10 | " | | |
| | 10 | | 10 | 1363 | | | 10 | | 11 | " | | |
| | 11 | | 11 | " | | | 11 | | 13 | " | | |
| | 12 | | 12 | " | | | 12 | | 14 | 1383 | | |
| | 13 | | 13 | 1364 | | | 13 | | 15 | " | | |
| | 14 | | 14 | " | | | 14 | | 16 | " | | |
| | 15 | | 15 | " | | | 15 | | 17 | " | | |
| | 16 | | 16 | " | | 16 | | 18 | 1384 | | | |
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| | 19 | | 19 | " | | 19 | | 21 | " | | | |
| | 20 | | 20 | " | | 20 | | 22(1, 2 | " | | | |
| | 21 | | 21 | " | | 21 | | 23 | 1385 | | | |
| | 22 | | 22 | 1366 | | 22 | | 24 | " | | | |
| | 23 | | 23 | " | | 23 | | 25 | " | | | |
| | 24 | | 24 | " | | 24 | | 26 | " | | | |
| | 25 | | 25 | 1367 | | 25 | | 27 | " | | | |
| | 26 | | 26 | " | | 26 | | 28 | " | | | |
| | 27 | | 27 | " | | 27 | | 29 | " | | | |
| | 28 | | 28 | " | | 145 | | | | | { Rep. 47 V. c. 22, s. 35.. | |
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| | 30 | | 30 | 1368 | | 146 | | | | | { Sup. 50 V. c. 25. | |
| | 31 | | 31 | " | | | | | | | | |
| | 32 | | 32 | " | | 147 | 1 | 154 | 1 | 1420 | | |
| | 33 | | 33 | " | | | 2 | | 2 (1) | " | | |
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| | 35 | | 39 | 1371 | | | | 4 | | 4 | " | |
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| | 41 | | 46 | " | | | 7 | | 7 | " | | |
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| | 44 | | 49 | " | | | | | | | | |
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| | 14 | | 14 | " | | | 33 | | 33 | " | |
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| | 23 | | 23 | 1427 | | | 38 | 156 | 41 | 1442 | |
| | 24 | | 24 | " | | | 39 | | 42 | " | |
| | 25 | | 25 | 1428 | | | 40 | | 43 | " | |
| | 26 | | 26 | " | | | 41 | | 44 | " | |
| | 27 | | 27 | " | | | 42 | | | | Effete. |
| | 28 | | 28 | " | | | 43 | | | | |
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| | 30 | | 30 | " | | 150 | 1 | 157 | 1 | 1443 | |
| | 31 | | 31 | " | | | 2 | | 2 | " | |
| | 32 | | 32 | " | | | 3 | | 4 | 1444 | |
| | 33 | | 33 | 1429 | | | 4 | | 6 | 1445 | |
| | 34 | | 34 | " | | | 5 | | 7 | " | |
| | 35 | | 35 | " | | | 6 | | 8 | 1446 | |
| | 36 | | 36 | " | | | 7 | | 9 | " | |
| | 37 | | 37 | " | | | 8 (1) | | 10 | " | |
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| | 39 | | 39 | " | | | 9 | | 12 | " | |
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| | 41 | | 41 | " | | | 11 | | 14 | " | |
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| | 2 | | 2 | 1434 | | | (4) | | 21 | " | |
| | 3 | | 3 | " | | | 18 (1,2) | | 22 (1,2) | 1449 | |
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| | 5 | | 5 | 1435 | | | | | 23 | 1449 | |
| | 6 | | 6 | " | | | 19 | | 28 | 1450 | |
| | 7 | | 7 | " | | | 20 | | 29 | 1451 | |
| | 8 | | 8 | " | | | 21 | | 30 | " | |
| | 9 | | 9 | " | | | 22 | | 31 | " | |
| | 10 | | 10 | 1436 | | | 23 | | 32 | " | |
| | 11 | | 11 | " | | | 24 | | 33 | " | |
| | 12 | | 12 | " | | | 25 | | 34 | " | |
| | 13 | | 13 | " | | | 26 | | 35 | 1452 | |
| | 14 | | 14 | " | | | 27 | | 36 | " | |
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| | 16 | | 16 | " | | | 29 | | 38 | 1453 | |
| | 17 | | 17 | " | | | 30 | | 39 | " | |
| | 18 | | 18 | " | | | 31 | | 40 | " | |
| | 19 | | 19 | 1438 | | | 32 | | 41 | " | |
| | 20 | | 20 | " | | | 33 | | 42 | " | |
| | 21 | | 21 | " | | | 34 | | 43 | " | |
| | 22 | | 22 | " | | | 35 | | 44 | 1454 | |
| | 23 | | 23 | " | | | 36 | | 45 | " | |
| | 24 | | 24 | 1439 | | | 37 | | 46 | " | |
| | 25 | | 25 | " | | | 38 | | 47 | " | |
| | 26 | | 26 | " | | | 39 | | 48 | " | |
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| | 51 | | 59 | 1458 | | | 28 | | 28 | " | |
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| | (2) | | | | | | 31 | | 31 | " | |
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| | 55 | | | | | | 33 | | 33 | 1474 | |
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| | 59 | | 68 | " | | | 37 | | 37 | " | |
| | 60 } | | | | | | 38 | | 38 | " | |
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| | 62 | 157 | 69 | 1460 | Effete. | | 40 | | 41 | 1475 | |
| | 63 | | 70 | " | | | 41 | | 42 | " | |
| | 64 | | 71 | " | | | 42 | | 43 | " | |
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| | " B. | " B. | " | " | | | 48 | | 49 | 1476 | |
| | | | | | | | 49 | | 50 | " | |
| 151 | 1 | 158 | 1 | 1465 | | | 50 | | 51 | " | |
| | 2 | | 2 | " | | | 51 | | 52 | " | |
| | 3 | | 3 | " | | | 52 | | 53 | " | |
| | 4 | | 4 | " | | | 53 | | 54 | " | |
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| | 6 | | 6 | 1466 | | | 55 | | 56 | 1477 | |
| | 7 | | 7 | " | | | 56 | | 57 | " | |
| | 8 | | 8 | " | | | 57 | | 58 | " | |
| | | | | | | | 58 | | 59 | " | |
| | | | | | | | 59 | | 60 | 1478 | |
| | | | | | | | 60 | | 61 | " | |
| | | | | | | | 61 | | 62 | " | |
| | | | | | | | 62 | | 63 | " | |
| | | | | | | | 63 | | 64 | " | |
| | | | | | | | 64 | | 65 | 1479 | |
| | | | | | | | 65 | | 66 | " | |
| | | | | | | | 66 | | 67 | " | |
| | | | | | | | 67 | | 68 | " | |
| | | | | | | | 68 | | 69 | 1480 | |
| | | | | | | | 69 | | 70 | " | |
| | | | | | | | 70 | | 71 | " | |
| | | | | | | | 71 | | 72 | " | |
| | | | | | | | 72 | | 73 | 1481 | |
| | | | | | | | 73 | | 74 | " | |
| | | | | | | | 74 | | 75 | " | |
| | | | | | | | 75 | | 76 | " | |
| | | | | | | | 76 | | 77 | " | |
| | | | | | | | 77 | | 78 | 1482 | |
| | | | | | | | 78 | | 79 | " | |
| | | | | | | | 79 | | 80 | " | |
| | | | | | | | 80 | | 81 | " | |
| | | | | | | | 81 | | 82 | 1483 | |
| | | | | | | | 82 | | 83 | " | |
| | | | | | | | 83 | | 84 | " | |

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| 152 | 84 | 159 | 85 | 1484 | { Rep. 46 V. c. 13, s. 1. | 152 | 148 | | | | { Rep. 47 V. c. 24, s. 8. |
| | 85 | | 86 | " | | | 149 | 159 | 150 | 1503 | |
| | 86 | | 87 | " | | | 150 | | 151 | 1504 | |
| | 87 | | 88 | 1485 | | | 151 | | 152 | " | |
| | 88 | | 89 | " | | | 152 | | 157 | 1505 | { Rep. 44 V. c. 19, s. 28, ex- cept as to ex- isting Com- panies. |
| | 89 | | 90 | " | | | Sch. A. | Sch. A. " B. | " | " | |
| | 90 | | 91 | " | | | " | | " | " | |
| | 91 | | 92 | " | | | " | | " | 1506 | |
| | 92 | | 93 | " | | 153 | 1 to 26 | | | | { Rep. 44 V. c. 19, s. 28, ex- cept as to ex- isting Com- panies. |
| | 93 | | 94 | 1486 |  |  |  | ..... | ..... | ..... |  |
| | 94 | | 95 | " |  |  |  | ..... | ..... | ..... |  |
| | 95 | | 96 | " |  |  |  | ..... | ..... | ..... |  |
| | 96 | | 97 | 1487 | | | 27 | 160 | 20 | 1510 | { Rep. 44 V. c. 19, s. 28, ex- cept as to ex- isting Com- panies. |
| | 97 | | 98 | " | | | 28 | | 21, 22 | 1511 | |
| | 98 | | 99 | " | | | 29 to 40 | ..... | ..... | ..... |  |
| | 99 |  | ..... | ..... |  |  |  | ..... | ..... | ..... |  |
| | 100 | 159 | 101 | 1487 | | | | | | | { Rep. 44 V. c. 19, s. 28, ex- cept as to ex- isting Com- panies. |
| | 101 | | 102 (1,2) | 1488 |  |  |  | ..... | ..... | ..... |  |
| | 102 | | 103 | 1489 |  |  |  | ..... | ..... | ..... |  |
| | 103 | | 104 | " | | | 41 | 160 | 23 | 1511 | |
| | 104 | | 105 | 1490 | | | 42 | | 24 | 1512 | { Rep. 44 V. c. 19, s. 28, ex- cept as to ex- isting Com- panies. |
| | 105 | | 106 | " | | | 43 | | 25 | " | |
| | 106 | | 107 | 1491 | | | 44 | | 26 | " | |
| | 107 | | 108 | " | | | 45 | | 27 | " | |
| | 108 | | 109 | 1492 | | | 46 | | 28 | 1513 | |
| | 109 | | 110 | " | | | 47 | | 29 | " | |
| | 110 | | 111 | " | | | 48 | | 30 | " | |
| | 111 | | 112 | 1493 | | | 49 | | 31 | " | |
| | 112 | | 113 | " | | | 50 | | 32 | " | |
| | 113 | | 114 | " | | | 51 | | 33 | 1514 | |
| | 114 | | 115 | 1494 | | | 52 | | 34 | " | |
| | 115 | | 116 | " | | | 53 | | 35 | " | |
| | 116 | | 117 | " | | | 54 | | 36 | " | |
| | 117 | | 118 | " | | | 55 | | 37 | " | |
| | 118 | | 119 | 1495 | | | 56 | | 38 | 1515 | |
| | 119 | | 120 | " | | | 57 | | 39 | " | |
| | 120 | | 121 | " | | | 58 | | 40 | " | |
| | 121 | | 122 | " | | | 59 | | 41 | 1516 | |
| | 122 | | 123 | 1496 | | | 60 | | 42 | " | |
| | 123 | | 124 | " | | | 61 | | 43 | " | |
| | 124 | | 125 | " | | | 62 | | 44 | " | |
| | 125 | | 126 | 1497 | | | 63 | | 45 | " | |
| | 126 | | 127 | " | | | 64 | | 46 | " | |
| | 127 | | 128 | " | | | 65 | | 47 | 1517 | |
| | 128 | | 129 | " | | | 66 | | 48 | " | |
| | 129 | | 130 | 1498 | | | 67 | | 49 | " | |
| | 130 | | 131 | 1498 | | | 68 | | 50 | 1518 | |
| | 131 | | 132 | " | | | 69 | | 51 | " | |
| | 132 | | 133 | " | | | 70 | | 52 | " | |
| | 133 | | 134 | " | | | 71 | | 53 | " | |
| | 134 | | 135 | 1499 | | | 72 | | 54 | " | |
| | 135 | | 136 | " | | | 73 | | 55 | 1519 | |
| | 136 | | 137 | " | | | 74 | | 56 | " | |
| | 137 | | 138 | " | | | 75 | | 57 | " | |
| | 138 | | 139 | 1501 | | | Sched. | | | | { Rep. 44 V. c. 19, s. 28, ex- cept as to ex- isting Com- panies. |
| | 139 | | 140 | " |  |  |  | ..... | ..... | ..... |  |
| | 140 | | 141 | " |  |  |  | ..... | ..... | ..... |  |
| | 141 | | 142 | " |  |  |  | ..... | ..... | ..... |  |
| | 142 | | 143 | 1502 | | 154 | 1 | 161 | 1 | | { Rep. 44 V. c. 19, s. 28, ex- cept as to ex- isting Com- panies. |
| | 143 | | 144 | " | | | 2 | | 2 | 1521 | |
| | 144 | | 145 | " | | | 3 | | 3 | " | |
| | 145 | | 146 | " | | | 4 | | 4 | 1522 | |
| | 146 | | 147 (1) | " | | | 5 | | 5 | " | |
| 147 | 148 | | 1503 | | | | | | | | |

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| 154 | 6 | 161 | 6 | 1522 | | 157 | 14 | 164 | 14 | 1538 | | | | | | |
| | 7 | | 7 | 1523 | | | 15 | | 15 | " | | | | | | |
| | 8 | | 8 | " | | | 16 | | 16 | " | | | | | | |
| | 9 | | 9 | " | | | 17 | | 17 | " | | | | | | |
| | 10 | | 10 | " | | | 18 | | 18 | " | | | | | | |
| | 11 | | 11 | " | | | 19 | | 19 | " | | | | | | |
| | 12 | | 12 | " | | | 20 | | 20 | 1539 | | | | | | |
| | 13 | | 13 | " | | | 21 | | 21 | " | | | | | | |
| | 14 | | 14 | " | | | 22 | | 22 | " | | | | | | |
| | 15 | | 15 | " | | | 23 | | 23 | " | | | | | | |
| | 16 | | 16 | 1524 | | | 24 | | 24 | " | | | | | | |
| | 17 | | 17 | " | | | 25 | | 25 | " | | | | | | |
| | 18 | | 18 | " | | | 26 | | 26 | 1540 | | | | | | |
| | 19 | | 19 | " | | | 27 | | 27 | " | | | | | | |
| | 20 | | 20 | " | | | 28 | | 28 | " | | | | | | |
| | 21 | | 21 | " | | | 29 | | | { Sup. 48 V. c. 33, ss. 5, 6. | | | | | | |
| | 22 | | 22 | " | | | 30 | | 31 | | | 1540 | | | | |
| | 23 | | 23 | 1525 | | | 31 | | 32 | | | 1541 | | | | |
| | 24 | | 24 | " | | | 32 | | 33 | | | " | | | | |
| | 25 | | 25 | " | | | 33 | | 34 | | | " | | | | |
| | 26 | | 26 | 1526 | | | 34 | | 35 | | | " | | | | |
| | 27 | | 27 | " | | | 35 | | 36 | | | " | | | | |
| | 28 | | 28 | " | | | 36 | | 37 | | | " | | | | |
| | 29 | | 29 | " | | | 37 | | 38 | | | " | | | | |
| | 30 | | 30 | " | | | 38 | | 39 | | | 1542 | | | | |
| | 155 | | 1 | 162 | | | 1 | | 1527 | | | | 39 | 40 | " | |
| | | | 2 | | | | 2 (1) | | " | | | | 40 | 41 | " | |
| | | | 3 | | | | 3 | | 1528 | | | | 41 | 42 | " | |
| | | | 4 | | | | 4 (1) | | " | | | | 42 | 43 | " | |
| | | | 5 | | | | 5 | | 1529 | | | | 43 | 44 | " | |
| 6 | | 6 | " | | 44 | 45 | 1543 | | | | | | | | | |
| 7 | | 7 | " | | 45 | 46 | " | | | | | | | | | |
| 8 | | 8 | " | | 46 | 47 | " | | | | | | | | | |
| 9 | | 9 | " | | 47 | 48 | " | | | | | | | | | |
| 10 | | 10 | " | | 48 | 49 | " | | | | | | | | | |
| 11 | | 11 | " | | 49 | 50 | 1544 | | | | | | | | | |
| 12 | | 12 | 1530 | | 50 | 51 | " | | | | | | | | | |
| 13 | | 13 | " | | 51 | 52 | " | | | | | | | | | |
| 14 | | 19 | 1531 | | 52 | 53 | " | | | | | | | | | |
| 15 | | 20 | " | | 53 | 60 | 1545 | | | | | | | | | |
| | Sched. | Sched. | 1532 | 54 | 62 | 1546 | | | | | | | | | | |
| 156 | 1 | 163 | 1 | 1533 | | | 55 | 63 | " | | | | | | | |
| | 2 | | 2 | " | | | 56 | 64 | " | | | | | | | |
| | 3 | | 3 | " | | | 57 | 65 | 1547 | | | | | | | |
| | 4, 5 | | 4 | " | | | 58 | 66 | " | | | | | | | |
| | 6 | | 5 | 1534 | | | 59 | 67 | " | | | | | | | |
| | 7 | | 6 | " | | | 60 | 71 | " | | | | | | | |
| | 8 | | 7 | " | | | 61 | | { Rep. 49 V. c. 33, s. 1. | | | | | | | |
| | | | | | | | 62 | 73 | | | 1548 | | | | | |
| 157 | 1 | 164 | 1 | 1535 | | | 63 | 75 | " | | | | | | | |
| | 2 | | 2 | " | | | 64 | 76 | " | | | | | | | |
| | 3 | | 3 | 1536 | | | 65 | 77 | " | | | | | | | |
| | 4 | | 4 | " | | | 66 | 78 | " | | | | | | | |
| | 5 | | 5 | " | | | 67 | 79 | 1549 | | | | | | | |
| | 6 | | 6 | 1537 | | | 68 | 80 | " | | | | | | | |
| | 7 | | 7 | " | | | 69 | 81 | " | | | | | | | |
| | 8 | | 8 | " | | | 70 | 82 | " | | | | | | | |
| | 9 | | 9 | " | | | 71 | 83 | " | | | | | | | |
| | 10 | | 10 | " | | | 72 | 84 | 1550 | | | | | | | |
| | 11 | | 11 | 1538 | | | 73 | 85 | " | | | | | | | |
| | 12 | | 12 | " | | | 74 | 86 | " | | | | | | | |
| | 13 | | 13 | " | | | 75 | 87 | 1551 | | | | | | | |

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| 157 | 76 | 164 | 88 | 1551 | Effete. | 164 | 4 | 169 | 4 | 1611 | |
| | 77 | | 89 | " | | | 5 | | 5 | " | |
| | 78 | | 90 | " | | | 6 | | 6 | " | |
| | 79 | | 91 | 1552 | | | 7 | | 7 | " | |
| | 80 | | 92 | " | | | 8 | | 8 | " | |
| | 81 | | 93 | " | | | 9 | | 9 | " | |
| | 82 | | 94 | " | | | 10 | | 10 | " | |
| | 83 | | 95 | " | | | 11 | | 11 | 1612 | |
| | 84 | | 96 | 1553 | | | 12 | | 12 | " | |
| | 85 | | 97 | " | | | 13 | | 13 | " | |
| | 86 | | 107 | 1555 | | | 14 | | 14 | " | |
| | 87, 88 | ..... | ..... | ..... |  |  | 15 | | 15 | " | |
| | | | | | | | 16 | | 16 | " | |
| | | | | | | | 17 | | 17 | " | |
| 158 | 1 | | | | { Rep. 47 V. c. 27, s. 1. Sup. 43 V. c. 27, s. 1. Rep. 47 V. c. 27, s. 2. | | 18 | | 18 | " | |
| | 2 | 166 | 2 | 1558 | | | 19 | | 20 | 1613 | |
| | 3 | ..... | ..... | ..... |  |  | 20 | | 31 | 1614 | |
| | 4 | 166 | 3 | 1558 | | | 21 | | 33 | 1615 | |
| | 5 | | 5 | " | | | 22 | | 35 | " | |
| | 6, 7 | ..... | ..... | ..... |  |  | 23 | | 36 | " | |
| | 8 | 166 | 6 | 1559 | | | 24 | | 37 | " | |
| | 9 | | 7 | " | | | 25 | | 38 | 1616 | |
| | 10 | | 8 | " | | | 26 | | 39 | " | |
| | 11 | | 9 | " | | | 27 | | 40 | " | |
| | 12 | | 10 | " | | | 28 | | 41 | " | |
| | 13 | | 11 | " | | | 29, 30 | 169 | 42 | 1616 | |
| | 14 | | 12 | 1560 | | | 31 | | 43 | " | |
| | 15 | | 13 | " | | | 32 | | 44 | 1617 | |
| | 16 | | 15 | " | | | 33 | | 45 | " | |
| | 17 | | 16 | 1561 | | | 34 | | 46 | " | |
| | 18 | | 17 | " | | | 35 | | 50 | 1619 | |
| | 19 | | 18 | " | | | 36 | | 51 | " | |
| | 20 | | 19 | " | | | 37 | | 52 | " | |
| | Sch. | Sch. | | 1562 | | | 38 | | 53 | 1620 | |
| | | | | | | | 39 | | 54 | 1621 | |
| 159 | 1 | 207 | 1 | 2302 | { Rep. 50 V.c. 26, s. 154 (2), & Sched., ex- cept as men- tioned in sec. 40. Rep. 50 V.c. 26, s. 154 (2), & Sched. | | 40 | | | | { Rep. 47 V. c. 29, s. 2. Rep. 42 V. c. 26, s. 4. Rep. 47 V. c. 29, s. 3. |
| | 2 | | 2 | " | | | 41 | | | | |
| | 3 | | 3 | 2303 | | | 42 | 169 | 56 | 1621 | |
| | 4 | | 4 | " | | | 43 | | 57 | " | |
| | 5 | | 5 | " | | | 44 | | 58 | 1622 | |
| | | | | | | | 45 | | 59 | " | |
| | | | | | | | 46 | | 60 | " | |
| | | | | | | | 47 | | 63 | 1623 | |
| 160 | ..... | ..... | ..... | ..... |  |  | 48 | | | | |
| | | | | | | | 49 | 169 | 65 | 1623 | |
| | | | | | | | 50 | | 66 | " | |
| | | | | | | | 51 | | 67 | " | |
| 161 | ..... | ..... | ..... | ..... |  |  | 52 (1) | | | | |
| 162 | ..... | ..... | ..... | ..... |  |  | (2, 3) | 169 | 68 (2, 3) | 1624 | |
| 163 | 1 | 168 | 1 | 1607 | | | 53 | | 69 | 1625 | |
| | 2 | | 2 | " | | | 54 | | 70 | " | |
| | 3 | | 3 | 1608 | | | 55 | | 71 | " | |
| | 4 | | 4 | " | | | 56 | | 72 (1-3) | " | |
| | 5 | | 5 | " | | | 57 | | 73 | 1626 | |
| | 6 | | 6 | " | | | 58 | | 74 | " | |
| | 7 | | 7 | " | | | 59 | | 75 | " | |
| | | | | | | | 60 | | 76 | 1627 | |
| | | | | | | | 61 | | 77 | " | |
| 164 | 1 | 169 | 1 | 1609 | | | 62 | | 78 | " | |
| | 2 | | 2 | 1610 | | | 63 | | 79 | " | |
| | 3 | | 3 | " | | | 64 | | 80 | 1628 | |

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| 164 | 65 | 169 | 81 | 1628 | Rep. 43 V. c. 21, s. 4. | 165 | 44 | 170 | 52 | 1671 | | |
| | 66 (1) | | 82 | " | | | 45 | | 53 | " | | |
| | (2) | { | 72 (4) | 1625 | | | 46 | | 54 | " | | |
| | | | 82 | 1628 | | | 47 | | 55 | 1672 | | |
| | 67-69 | ..... | ..... | ..... |  |  | 48 | | 56 | " | | |
| | 70 | 169 | 87 | 1630 | | | 49 | | 57 | " | | |
| | 71 | | 90 | 1631 | | | 50 | | 58 | " | | |
| | 72, 73 | ..... | ..... | ..... |  |  | 51 | | 59 | 1673 | | |
| | 74 | 169 | 91 | 1631 | | Effete. | | 52 | | 60 | | " |
| | 75 | | 92 | " | | | | 53 | | 61 | | " |
| | 76 | | 93 | 1632 | | | 54 | | 62 | " | | |
| | Sched. | | Sched. | " | | | 55 | | 63 | " | | |
| | | | | | | | 56 | | 64 | " | | |
| | | | | | | | 57 | | 65 | 1674 | | |
| | | | | | | | 58 | | 66 | " | | |
| | | | | | | | 59 | | 67 | " | | |
| | | | | | | | 60 | | 68 | 1675 | | |
| | | | | | | | 61 | | 69 | " | | |
| 165 | 1 | 170 | 1 | 1633 | | | 62 | | 70 | " | | |
| | 2 | | 2 | 1634 | | | 63 | | 71 | " | | |
| | 3 | | 3 | " | | | 64 | | 72 | 1676 | | |
| | 4 | | 4 | 1635 | | | 65 | | 73 | " | | |
| | 5 | | 5 | 1636 | | | 66 | | 74 | " | | |
| | 6 | | 6 | " | | | 67 | | 75 | " | | |
| | 7 | | 7 | " | | | 68 | | 76 | " | | |
| | 8 | | 8 | " | | | 69 | | 77 | 1677 | | |
| | 9 (1-16) | 9 (1, 16) | 1637-9 | | | | 70 | | 78 | " | | |
| | (17, 18) | (18, 19) | 1639 | | | | 71 | | 79 | 1678 | | |
| | 10 | 10 | 1640 | | Sup. 44 V. c. 22, ss. 4, 5. | | 72 | | 80 | " | | |
| | 11 | 11 | 1642 | | | | 73 | | 81 | " | | |
| | 12 | 12 | 1643 | | | | 74 | | 82 | 1679 | | |
| | 13 | 13 | " | | | | 75 | | 83 | " | | |
| | 14 | 14 | " | | | | 76 | | 84 | " | | |
| | 15 | 15 | " | | | | 77 | | 85 | 1680 | | |
| | 16 | 16 | " | | | | 78 | | 86 | " | | |
| | 17 | 17 | 1644 | | | | 79 | | 87 | " | | |
| | 18 | 18 | " | | | | 80 | | 88 | " | | |
| | 19 | 19 | " | | | | 81 | | 89 | " | | |
| | 20 (1-14) | 20 (1-15) | 1644-7 | | | | 82 | | 90 | 1681 | | |
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| | 21 (1, 2) | 29 (1, 2) | 1652-3 | | | | 84 | | 92 | " | | |
| | (3) | | | | | | 85 | | 93 | " | | |
| | (4, 5) | 170 | 29 (3, 4) | 1653 | | | 86 | | 94 | " | | |
| | | | 30 | " | | | 87 | | 95 | " | | |
| | 22 | | 31 | 1654 | | | 88 | | 96 | " | | |
| | 23 | | 32 | 1656 | | | 89 | | 97 | 1682 | | |
| | 24 | | 33 | " | | | 90 | | 98 | " | | |
| | 25 | | 34 | " | | | 91 | | 99 | " | | |
| | 26 | | 35 | 1659 | | | 92 | | 100 | " | | |
| | 27 | | 36 | 1661 | | | 93 | | 101 | " | | |
| | 28 | | 37 | 1662 | | | 94 | | 102 | " | | |
| | 29 | | 38 | 1663 | | | 95 | | 103 | 1683 | | |
| | 30 | | 39 | " | | | 96 | | 104 | " | | |
| | 31 | | 40 | 1664 | | | 97 | | 105 | " | | |
| | 32 | | 41 | 1665 | | | 98 | | 106 | " | | |
| | 33 | | 42 | 1667 | | | 99 | | 107 | " | | |
| | 34 | | 43 | " | | | 100 | | 108 | " | | |
| | 35 | | 44 | " | | | 101 | | 109 | 1684 | | |
| | 36 | | 45 | 1669 | | | 102 | | 110 | " | | |
| | 37 | | 46 | " | | | 103 | | 111 | " | | |
| | 38 | | 47 | " | | 166 | | | | | { Not consoli- dated. | |
| | 39 | | 48 | 1670 | | | | | | | | |
| | 40 | | 49 | " | | | | | | | | |
| | 41 | | 50 | 1671 | | | | | | | | |
| | 42 | | 51 | " | | | | | | | | |
| | 43 | | | | | | | | | | | |

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| 167 | 1 | 172 | 1 | 1692 | | 170 | 19 | 175 | 20 | 1718 | | |
| | 2 | | 2 | " | | | 20 | | 22 | " | | |
| | 3 | | 3 | 1693 | | | 21 | | 21 | " | | |
| | 4 | | 4 | " | | | 22 | | 23 | " | | |
| | 5 | | 5 | " | | | 23 | | 24 | 1719 | | |
| | 6 | | 6 | 1694 | | | 24 | | 25 | " | | |
| | 7 | | 7 | " | | | 25 | | 26 | " | | |
| | 8 | | 8 | " | | | 26 | | 27 | " | | |
| | 9 | | 9 | 1695 | | | 27 | | 28 | " | | |
| | 10 | | 10 | " | | | 28 | | 29 | " | | |
| | 11 | | | | { Rep. 41 V. c. 8, s. 18. | | 29 | | 30 | " | | |
| | 12 | | | | | | 30 | | 31 | " | | |
| | 12 | 172 | 12 | 1695 | | 171 | 1 | 177 | 1 | 1723 | | |
| | 13 | | 13 | " | | | | | | | | |
| | 14 | | 14 | 1696 | | 172 | 1 | 178 | 1 | 1724 | | |
| | 15 | | 15 | " | | 2 | | 2 | " | | | |
| | 16 | | 16 | 1697 | | 3 | | 3 | " | | | |
| | 17 | | 17 | " | | 4 | | 5 | 1725 | | | |
| | 18 | | 18 | 1698 | Unnecessary | | | | | | | |
| | 19 | | | | | | 5 | | | | | { Unnecessary |
| | 20 | 172 | 20 | 1698 | | 6 | | 178 | 6 | 1725 | | See c. 62, s. 12. |
| Sched. | | Sched. | | 1699 | | | | | | | | |
| 168 | | | | | { Sup. 49 V. c. 35. | 173 | 1 | 181 | 1 | 1728 | | |
| | | | | | | 2 | | 2 | " | " | | |
| 169 | 1 | 174 | 1 | 1708 | | 174 | 1 | | | | { Sup. 46 V. c. 18. | |
| | 2 | | 2 | " | | | | | | | | { Rep. 47 V. c. 33, s. 1. |
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| | 4 | | 4 | 1709 | | | 175 | 1 | | | | |
| | 5 | | 5 | " | | | 2 | | 185 | 2 | 2021 | |
| | 6 | | 6 | 1710 | | | 3 | | | 3 | " | |
| | 7 | | 7 | " | | | 4 | | | 4 | " | |
| | 8 | | 8 | " | | | 5 | | | 5 | " | |
| | 9 | | 9 | 1711 | | | 6 | | | 6 | 2022 | |
| | 10 | | 10 | " | | | 7 | | | 7 | " | |
| | 11 | | 11 | " | | | 8 | | | 8 | " | |
| | 12 | | 12 | " | | | 9 | | | 9 | " | |
| | 13 | | 13 | 1712 | | | 10 | | | 10 | " | |
| | 14 | | 14 | " | | | 11 | | | 11 | " | |
| | 15 | | 15 | " | | | 12 | | | 12 | " | |
| | 16 | | 16 | 1713 | | | 13 | | | 13 | " | |
| | 17 | | 17 | " | | | 14 | | | 14 | 2023 | |
| | 18 | | 18 | " | | | 15 | | | 15 | " | |
| 170 | 1 | | | | { Rep. 45 V. c. 17, s. 20. | 16 | | | 16 | " | { Rep. 48 V. c. 41, s. 4. | |
| | 2 | | | | | 17 | | | 17 | " | | |
| | 3 | 175 | 2 | 1714 | | 18 | | | | | | |
| | 4 | | 3 | 1715 | | 19 | | 185 | 20 | 2024 | | |
| | 5 | | 4 | " | | 20 | | | 21 | " | | |
| | 6 | | 5 | " | | 21 | | | 22 | " | | |
| | 7 | | 6 | " | | 22 | | | 23 | " | | |
| | 8 | | 7 | 1716 | | 23 | | | 24 | (1) 2025 | | |
| | 9 | | 8 | " | | 24 | | | 26 | " | | |
| | 10 | | 9 | " | | 25 | | | 27 | " | | |
| | 11 | | 10 | " | | 26 | | | 28 | 2026 | | |
| | 12 | | 11 | " | | 27 | | | 29 | " | | |
| | 13 | | 12 | " | | 28 | | | 30 | " | | |
| | 14 | | 13 | " | | 29 | | | 32 | " | | |
| | 15 | | 14 | 1717 | | 30 | | | | | | |
| | 16 | | 15 | " | | | | | | | | |
| | 17 | | 16 | " | | | | | | | | |
| | 18 | | 17 | " | | 31 | | 185 | 34 | 2026 | | { Rep. 43 V. c. 28, s. 1. |
| | | | 18 | " | 32 | | | 35 | 2027 | | | |
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| | 35 | | 38 | " | | | 2 (1-6) | | 2 (1-6) | " | |
| | 36 | | 39 | " | | | (7) | | (9) | " | |
| | 37 | | 40 | 2028 | | | (8) | | (10) | " | |
| | 38 | | 41 (1) | " | | | (9) | | (8) | " | |
| | 39 | | 42 | " | | | 3 | | | | { Rep. 45 V. c. 28, s. 2. |
| | 40 | | 43 | " | | | 4 | 193 | 5 | 2086 | |
| | 41 | | 44 | " | | | 5 | | 6 | " | |
| | 42 | | 45 | 2029 | | | 6 (1-11) | | 7 (1-11) | 2086-7 | |
| | 43 | | 46 | " | | | (12) | | | | { Rep. 49 V. c. 38, s. 1. |
| | 44 | | 47 | " | | | (13-17) | 193 | 7 (13-17) | 2088 | |
| | 45 | | 48 | " | | | (18-21) | | (19-22) | " | |
| | 46 | | 49 | " | | | (22) | | (24) | 2089 | |
| | 47 | | 50 | " | | | (23) | | | | { Rep. 48 V. c. 42, s. 12. |
| | 48 | | 51 | " | | | (24, 25) | 193 | 7 (26, 27) | 2089 | |
| | 49 | | 52 | " | | | 7 | | 8 | " | |
| | 50 | | 53 | " | | | 8 | | 9 | " | |
| | 51 | | 54 | 2030 | | | 9 | | 10 | " | |
| | 52 | | 55 | " | | | 10 | | 12 | 2090 | |
| | 53 | | 56 (1, 2) | " | | | 11 | | 13 | " | |
| | 54 | | 2 | 2021 | | | 12 (1-3) | | 14 (1) | " | |
| | 55 | | 57 | 2030 | | | (4) | | (3) | 2091-2 | |
| 176 | 1 | 186 | 1 | 2031 | | | 13 | | 15 | 2092 | |
| | 2 | | 2 | " | | | 14 | | 16 | " | |
| | 3 | | 5 | 2032 | | | 15 | | 17 | " | |
| | 4 | | 6 | 2033 | | | 16 | | 18 | 2093 | |
| | 5 | | 3 | 2032 | | | 17 | | 19 | " | |
| | 6 | | 4 | " | | | 18 | | | | { Rep. 48 V. c. 42, s. 3. |
| | 7 | | 7 | 2033 | | | 19 | | | | |
| | 8 | | 8 | " | | | 20 | | | | |
| | 9 | | 9 | " | | | 21 | 193 | 24 | 2097 | { Rep. 49 V. c. 38, s. 4. |
| | 10 | | 10 | " | | | 22 | | 25 | " | |
| | 11 | | 11 | 2034 | | | 23 | | 26 | " | |
| | 12 | | 12 | " | | | 24 | | 27 | " | { Rep. 48 V. c. 42, s. 4. |
| | 13 | | 13 | " | | | 25 | | 28 | 2098 | |
| | Sch. A. | Sch. A. | 2035 | | | | 26 | | 29 | " | |
| | " B. | " B. | 2036 | | | | 27 | | 30 | " | |
| 177 | 1 | 187 | 1 | 2037 | | | 28 | | 31 | 2099 | |
| | 2 | | 2 | " | | | 29 | | | | { Rep. 43 V. c. 27, s. 1(3). |
| | 3 | | 3 | 2038 | | | 30 | 193 | 35 | 2100 | |
| | 4 | | 4 | " | | | 31 | | 36 | " | |
| | 5 | | 5 | " | | | 32 | | 37 | " | |
| | 6 | | 6 | 2039 | | | 33 | | 38 | 2101 | |
| | 7 | | 7 | " | | | 34 | | 39 | " | |
| | 8 | | 8 | " | | | 35 | | 40 | " | |
| | 9 | | 9 | " | | | 36 | | 41 | " | |
| | 10 | | 10 | 2040 | | | 37 | | | | { Rep. 48 V. c. 42, s. 5. |
| | 11 | | 11 | " | | | 38 | 193 | 44 | 2103 | |
| | 12 | | 12 | " | | | 39 | | 45 | 2104 | |
| | 13 | | 13 | " | | | 40 | | | | { Rep. 48 V. c. 42, s. 9. |
| | 14 | | 14 | " | | | 41 | 193 | 47 (1) | 2104 | |
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| | " B. | " B. | " | | | | 43 | | 50 | 2106 | |
| 178 | 1 | 188 | 1 | 2042 | | | 44 | | 52 | " | |
| | 2 | | 2 | " | | | 45 | | | | |
| | 3 | | 3 | 2043 | | | | | | | |
| | 4 | | 4 | " | | | | | | | |
| | 5 | | 5 | " | | | | | | | |
| | 6 | | 6 | 2044 | | | | | | | |
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| | 63 | | 72 | " | { Rep. 42 V. c. 31, s. 33 6). | | 123 | | 156 | " | |
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| | 178 | | 216 | " | | | 17 | | 20 | " | | | |
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| | 12 | | 12 | 2560 | |
| | 13 | | 13 | " | |
| | 14 | | 14 | " | |
| | 15 | | 17 | 2561 | |
| | 16 | | 18 | " | |
| | 17 | | 19 | " | |
| | 18 | | 20 | " | |
| | 19 | | 21 | " | |
| | 20 | | 22 | 2562 | |
| | 21 | | 23 | " | |
| | 22 | | 24 | " | |
| | 23 | | 25 | 2563 | |
| | 24 | | 26 | " | |
| | 25 | | 27 | " | |
| | 26 | | | | Effete. |
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| | 28 | | 29 | " | |
| | 29 | | 30 | 2564 | |
| | 30 | | 31 | " | |
| | 31 | | 32 | " | |
| | 32 | | 33 | " | |
| | 33 | | 34 | " | |
| | 34 | | 35 | " | |
| | 35 | | 36 | " | |
| | 36 | | 37 | 2565 | |
| | 37 | | 38 | " | |
| | 38 | | 39 | " | |
| 218 | ... | | | | { Rep. 43 V.c. 34, s. 35. |
| 219 | 1 | 243 | 1 | 2587 | |
| | 2 | | 2 | 2588 | |
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| 220 | 1 | 245 | 1 | 2590 | |
| | 2 | | 2 | " | |
| | 3 | | 3 | " | |
| | 4 | | 2 | " | |
| | 5 | | 4 | " | |
| | 6 | | 5 | " | |
| | 7 | | 6 | 2591 | |
| | 8 | | 7 | " | |
| | 9 | | 8 | " | |
| | 10 | | 9 | " | |
| | 11 | | 10 | " | |
| | 12 | | 12 | 2592 | |
| | 13 | | 13 | " | |
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| | 24 | | 24 | " | |
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| | 29 | | 30 | 2596 | |
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| | 32 | | 35 | " | |
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| | 36 | | 38 | 2598 | |
| | 37 | | 39 | " | |
| | 38 | | 40 | " | |
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| | 41 | | 43 | 2599 | |
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| | 43 | | 45 | " | |
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| | 45 | | 47 | " | |
| | 46 | | 48 | 2600 | |
| | 47 | | 51 | 2601 | |
| | 48 | | 52 | " | |
| | 49 | | 53 | " | |
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| | 14 | | | | { Rep. 46 V. c. 28, s. 13. |
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| | 17 | | 15 | 2614 | |
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| | 42 | | 29 | " | | 102 | | 96 | 2632 | | |
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| | 51 | | 41 | " | " H. | | " G. | " | | | |
| | 52 | | 42 | " | " J. | | " H. | 2640 | | | |
| | 53 | | 43 | 2620 | 222 | 1 | 247 | 1 | 2641 | | |
| | 54 | | 44 | " | | 2 | | 2 | " | | |
| | 55 | | 45 | " | | 3 | | 3 | " | | |
| | 56 | | 46 | 2621 | | 4 | | 4 | " | | |
| | 57 | | 47 | " | | 5 | | 5 | " | | |
| | 58 | | 48 | " | | 6 | | 6 | 2642 | | |
| | 59 | | 49 | 2622 | | 7 | | 7 | " | | |
| | 60 | | 50 | " | | 223 | 1 | 248 | 1 | | 2643 |
| | 61 | | 51 | " | | | 2 | | 2 | | " |
| | 62 | | 52 | 2623 | | | 3 | | 3 | | " |
| | 63 | | 53 | " | 4 | | | 4 | 2644 | | |
| | 64 | | 54 | " | 5 | | | 5 | " | | |
| | 65 | | 55 | " | 6 | | | 6 | " | | |
| | 66 | | 56 (1) | 2624 | 7 | | | 7 | " | | |
| | 67 | | 57 | 2624 | 8 | | | 8 | 2645 | | |
| | 68 | 246 | 58 | " | 9 | | | 9 | " | | |
| | 69 | | 59 | " | 10 | | | 10 | " | | |
| | 70 | | 60 | " | 11 | | 11 | " | | | |
| | 71 | | 61 | 2625 | 12 | | 12 | " | | | |
| | 72 | | 62 | " | 13 | | 13 | 2646 | | | |
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| | 78 | | 68 | " | 224 | 1 | 250 | 1 | 2650 | | |
| | 79 | | 69 | " | | 2 | | 2 | " | | |
| | 80 | | 70 | " | | 3 | | 3 | " | | |
| | 81 | | 71 | 2627 | | 4 | | 4 | " | | |
| | 82 | | 74 | " | | 5 | | 6 | 2651 | | |
| | 83 | | 75 | " | | 6 | | 9 | " | | |
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| | 18 | | 21 | " | |
| | 19 | | 22 | 2655 | |
| | 20 | | 23 | " | |
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| | 16 | | 14 | 220 | |
| | 17 | | 15 | " | |
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| | 21 | | 19 | " | |
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| | 25 | | 24 | " | |
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| 4 | 1 | 71 | 1 | 781 | |
| | 2(1,2) | 73 | 8 | 794 | |
| | (3) | | | | Effete. |
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| | 4 | | 10 | " | |
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| 5 | 1 | 183 | 1 | 1730 | |
| | 2 | | 2 | " | |
| | 3 | | 3 | 1731 | |
| | 4 | | 4 | " | |
| | 5 | | 5 | 1732 | |
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| | 7 | | 7 | " | |
| | 8 | | 8 | " | |
| | 9 | | 9 | 1733 | |
| | 10 | | 10 | 1735 | |
| | 11 | | 11 | " | |
| | 12 | | 12 | " | |
| | 13 | | 13 | 1736 | |
| | 14 | | 14 | 1737 | |
| | 15 | | 15 | " | |
| | 16 | | 16 | 1738 | |
| | 17 | | 17 | " | |
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| | 20 | | 20 | " | |
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| | 24 | | 24 | 1743 | | | | | | | | | | | | |
| | 25 | | 25 | 1744 | | | | | | | | | | | | |
| | 26 | | 26 | " | | | | | | | | | | | | |
| | 27 | | 27 | 1745 | | | | | | | | | | | | |
| | 28 | | 28 | " | | | | | | | | | | | | |
| | 29 | | 29 | " | | | | | | | | | | | | |
| | 30 | | 30 | " | | | | | | | | | | | | |
| | 31 | | 31 | 1746 | | | | | | | | | | | | |
| | 32 | | 32 | " | | | | | | | | | | | | |
| | 33 | | 33 | " | | | | | | | | | | | | |
| | 34 | | 34 | " | | | | | | | | | | | | |
| | 35 | | 35 | " | | | | | | | | | | | | |
| | 36 | | 36 | " | | | | | | | | | | | | |
| | 37 | | 37 | 1747 | | | | | | | | | | | | |
| | 38 | | 38 | " | | | | | | | | | | | | |
| | 39 | | 39 | " | | | | | | | | | | | | |
| | 40 | | 40 | " | | | | | | | | | | | | |
| | 41 | | 41 | 1748 | | | | | | | | | | | | |
| 42 | 42 | " | | | | | | | | | | | | | | |
| 43 | 43 | " | | | | | | | | | | | | | | |
| 44 | 44 | " | | | | | | | | | | | | | | |
| 45 | 45 | 1749 | | | | | | | | | | | | | | |
| 6 | | | | Effete. | | | | | | | | | | | | |
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| | 2 | 44 | 10 | 449 | Effete. | | | | | | | 10 | 1 | 219 | 2 (1) | 2354 |
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| | 11 | | | | " 503. | | | | | | | | | | | |
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| | 14 | | | | 14 | 1-3 | | | | | { Effete. Not consoli- dated. | | | | | |
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| | 16 | | | | Effete. | | | | | | { Repeals R. S. O. 1877, c. 181, s. 109. | | | | | |
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| 15 | | | | { Sup. 48 V. c. 50. | 1 | | | | Effete. |
| 16 | | | | { Not consoli- dated. | 2 | 1 | 4 | 1 | 16 |
| 17 | 1 | 126 | 9 (1) | 1218 | 3 | 1 | | | Short title. |
| | 2 | ..... | (2) | " | | 2 | 8 | 11 | 66 |
| | 3 | ..... | 32 | 1224 | | 3 | ..... | 12 | " |
| 18 | ..... | ..... | ..... | { Rep. 43 V. c. 31, s. 1. | | 4 | ..... | ..... | { Sup. 48 V. c. 3, s. 4 (3). |
| 19 | ..... | ..... | ..... | { Not consoli- dated. | | 5 | 8 | 17 (1) | 68 |
| 20 | ..... | ..... | ..... | Effete. | | 6 | ..... | 23 | 70 |
| 21 | 1 | ..... | ..... | Short title. | | 7 | ..... | 22 | " |
| | 2 | 8 | 2 | 60 | | 8 | ..... | 4 | 62 |
| | 3 (1, 2) | ..... | 19 (1, 2) | 69 | | 9 | ..... | Form (1) | 77 |
| | (3) | ..... | ..... | { Rep. 48 V. c. 2, s. 4; c. 3, s. 5. | 4 | 1 | 9 | 26 | 102 |
| | (4) | 8 | 19 (3) | 69 | | 2 | 11 | 5 | 199 |
| | 4-7 | ..... | ..... | Effete. | | 3 | ..... | 3 | 198 |
| | 8 | 8 | 15 | 68 | | 4 | 9 | 35 | 104 |
| | 9 | ..... | ..... | { Sup. 48 V. c. 42, s. 10. | | 5 | ..... | 36 | " |
| 10 | 8 | 43 | 75 | 75 | | 6 | ..... | 33 (2) | " |
| 11 | ..... | 31 | 72 | 72 | | 7 | ..... | 15 | 100 |
| 12 | 9 | 78 (2) | 116 | 116 | | 8 | ..... | 37 | 105 |
| 13 | ..... | 124 | 131 | 131 | | 9 | 7 | 11 | 48 |
| 14 | 8 | 41 | 75 | 75 | | 10 (1) | ..... | 12 (1) | " |
| 15 | ..... | ..... | ..... | { Rep. 42 V. c. 3, s. 6. | | (2) | ..... | ..... | { Rep. 50 V. c. 8, Sched. |
| 16 | 8 | 24 (2) | 71 | 71 | | 11 | ..... | ..... | { Sup. 48 V. c. 2, s. 10 (22). |
| 17 | ..... | 25 | " | " | | 12 | ..... | ..... | { Rep. 46 V. c. 2, s. 6. |
| 22 | 1 | 222 | 2 (1) | 2378 | | 13 | 9 | 98 | 123 |
| 23 | 1 | 213 | 1 | 2332 | | 14 | ..... | ..... | { Rep. 48 V. c. 2, s. 4. |
| | 2 | ..... | 2 | 2332 | | 15 | 9 | 71 | 114 |
| | 3 | ..... | 3 | 2333 | | 16 | ..... | 90 (7) | 121 |
| | 4 | ..... | 4 | " | | 17 | ..... | ..... | { Rep. 46 V. c. 2, s. 5. |
| | 5 | ..... | 5 | " | | 18 | ..... | ..... | { Rep. 46 V. c. 2, s. 12. |
| | 6 | ..... | 6 | " | | 19 | 9 | 151 (2) | 139 |
| | 7 | ..... | 7 | " | | 20 | ..... | ..... | { Sup. 47 V. c. 4, s. 31 (12). |
| | 8 | ..... | 8 | " | | 21 | 9 | 197 | 153 |
| | 9 | | 9 | 2334 | | 22 | | | { Repeals R.S.O. 1877, c. 10, ss. 22, 29, 38. |
| | 10 | | 10 | " | | Forms. | | | { Rep. 46 V. c. 2, s. 6. |
| | 11 | | 11 | " | | 5 | 1 | 16 | 37 |
| | 12 | | 12 | " | | | 2 | | 38 |
| | 13 | | 13 | " | | 6 | 1 | 27 | 5 |
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| | 15 | | 15 | 2335 | | 7 | 1 | 37 | 5 |
| 24 | 1 | | | { Rep. 48 V. c. 52, s. 1. | | 8 | 1 | 38 | 4 |
| | 2 | 244 | 2 | 2588 | | | 2 | | 10 |
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| | 5 | | 5 | 2589 | | | | | |
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| 25 | 1 | 237 | 26 (1) | 2555 | | | | | |
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| 8 | 4, 5 6 7 8 | 38 | Sch. (4) 1 2 | 396 390 " | Effete. | 24 | 1 2 3 4 | 165 | 1 2 3 4 | 1555 " 1556 " |
| 9 | | | | | { Not consoli- dated. | 25 | | | | { Rep. 50 V.c. 26, s. 154 (2) and Sched. |
| 10 11 | | | | | { Sup. 49 V.c. 11. | 26 | 1 | | | { Rep. 47 V. c. 29, s. 3. |
| 12 | 1 | 40 | 16 | 432 | | | 2 3 4 5 | 169 | 68 (4) 21 64 34 | 1624 1613 1623 1615 |
| 13 14 | | | | | Sup. 46 V.c. 7 | 27 | 1 | 170 | 9 (17) | 1639 |
| 15 | 1 2 3 4 5 6 7 8 | | | | { Sup. 44 V. c. 5, ss. 54, 69. C. R. 1246. " 574. " 903. | 28 | | | | { Not consoli- dated. |
| | | 61 | 37 | 720 | | 29 | | | | { Sup. 49 V.c. 35. |
| | | 47 | 10 | 504 | { Effete. See J.A.R. 480. Sup. J.A.R. 227; C. R. 487, 494, 495. Effete. | 30 | 1 | 181 | 3 | 1728 |
| | | | | | { Part not con- solidated. | 31 | 1 2 3 4 | | | { Short title. Sup. 46 V. c. 18, s. 77. |
| 16 | 1 | 60 | 4 | 708 | | | | 185 | 41 (2) | 2028 |
| 17 | 1 | 80 | 10 | 822 | | | 5 | | | { Sup. 46 V.c. 18, s. 109. Sup. 46 V.c. 18, s. 110. |
| 18 | 1 | 83 | 3 | 834 | | | 6 | | | { Sup. 46 V.c. 18, s. 112 (1). Sup. 46 V.c. 18, s. 116. |
| 19 | | | | | Disallowed. | | 7 | | | { Sup. 46 V.c. 18, s. 253 (2). Sup. 46 V.c. 18, s. 331. |
| 20 | 1 2 3 4 5 6 7 8 9 10 11 12 | 102 | 18 19 20 21 22 23 24 25 26 27 28 29 | 922 923 " " " 924 " " " 925 " " " | | | 8 9 10 11 12 | | | { Sup. 46 V.c. 18, s. 342 (3-5). Sup. 46 V.c. 18, s. 342 (6d). Repealing clause. |
| 21 | 1 2 | 110 | 30 (1) (2) | 1006 " | | | 13 | | | { Sup. 46 V.c. 18, s. 344 (2). Sup. 46 V.c. 18, s. 414. |
| 22 | 1 2 3 4 5 (1, 2) (3) | 133 | 5 6 7 8 104 (49 (1, 2) 137 (3) | 1260 " " " 951 1278 951 | | | 14 15 16 17 18 19 | | | { Sup. 46 V.c. 18, s. 421. Sup. 46 V.c. 18, s. 465. Sup. 46 V.c. 18, ss. 469, 471. Sup. 46 V.c. 18, s. 482 (20). Sup. 46 V.c. 18, s. 482 (21). Sup. 46 V.c. 18, s. 503 (6). |
| | | | | | | | 20 | | | { Sup. 46 V.c. 18, s. 503 (6). |
| 23 | 1 2 3 4 5 | 164 | 54 55 480 (2) 56 57 | 1544 " 1906 1545 " | | | 21 | | | { Sup. 46 V.c. 18, s. 618. |

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| 31 | 22 | | | | { Sup. 46 V.c. 18, s. 490 (6). | 38 | 4 | 239 | 4 | 2566 | { |
| | 23 | | | | | | 5 | | 5 | 2567 | |
| | | | | | { Sup. 46 V.c. 18, s. 286. | | 6 | | 6 | " | { |
| | 24 | | | | | 7 | | 7 | " | | |
| | | | | | { Rep. 44 V.c. 24, s. 23. | | 8 | | 8 | " | { |
| | 25 | | | | | 9 | | 9 | " | | |
| | | | | | { Sup. 46 V.c. 18, s. 345. | | 10 | | 10 | " | { |
| | 26 | | | | | 11 | | 11 | 2568 | | |
| | | | | | { Sup. 46 V.c. 18, s. 570 (2). | | 12 | | 12 | " | { |
| | 27 | | | | | 13 | | 13 | " | | |
| | | | | | { Sup. 46 V.c. 18, s. 572 (1). | | 14 | | 15 | 2569 | { |
| | 28 | | | | | 15 | | 16 | " | | |
| | | | | | { Sup. 46 V.c. 18, s. 583. | | 16 | | 17 | " | { |
| | 29 | | | | | 17 | | 18 | " | | |
| | | | | | { Sup. 46 V.c. 18, s. 521 (7). | | 18 | | 19 | " | { |
| | 30 | | | | | 19 | | 20 | 2570 | | |
| | | | | | { Sup. 46 V.c. 18, s. 521 (8). | | 20 | | 21 | " | { |
| | 31 | | | | | 21 | | 22 | " | | |
| | | | | | { Sup. 46 V.c. 18, s. 484. | | 22 | | 23 | " | { |
| | 32 | 91 | 82 | 891 | | 23 | | 24 | 2571 | | |
| | | | | | { Sup. 43 V. c. 27, s. 18. | | 24 | | 25 | " | { |
| | 33 (1,2) | | | | | 25 | | 26 | " | | |
| | | | | | { Part Sup. 43 V.c. 27, s. 18. | | 26 | | 27 | " | { |
| | (3) | 193 | 79 (4) | 2117 | | 27 | | 28 | " | | |
| | | | | | { Repeals R. S.O., 1877, c. 180, s. 68 (2). | | 28 | | 29 | " | { |
| | (5) | | (6) | 2118 | | | 29 | | 30 | 2572 | |
| | | | | | { Sup. 46 V.c. 18, s. 482 (10b). | | 30 | | 31 | " | { |
| | (6) | | | | | 31 | | 32 | " | | |
| | | | | | { Sup. 46 V.c. 18, s. 523. | 39 | 1 | 240 | 1 | 2573 | { |
| | 34 | | | | | 2 | | 2 | " | | |
| | | | | | { Sup. 46 V.c. 18, s. 482 (10b). | | 3 | | 3 | " | { |
| | 35 | | | | | 4 | | 4 | " | | |
| | | | | | { Sup. 46 V.c. 18, s. 523. | | 5 | | 5 | " | { |
| | | | | | | 6 | | 6 | " | | |
| 32 | 1 | 193 | 14 (3) | 2091 | { Rep. 49 V.c. 38, s. 4. | | 7 | | 7 | 2574 | { |
| | 2 | | 14 (4) | 2092 | | | 8 | | 8 | " | |
| | 3 | | | | { Rep. 47 V.c. 37, s. 1. | | 9 | | 9 | 2575 | { |
| | | | | | | | 10 | | 10 | " | |
| | | | | | { Rep. and Sup. 47 V.c. 44, s. 1 ; 48 V.c. 49, s. 272; 49 V. c. 46. | | 11 | | 11 | " | { |
| | | | | | | 12 | | 12 | " | | |
| | | | | | { Rep. 49 V.c. 49, s. 1. | | 13 | | 15 | 2576 | { |
| | | | | | | | 14 | | 16 | " | |
| | | | | | { Sup. 50 V.c. 44. | | 15 | | 17 | " | { |
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| 36 | 1 | 237 | 2 | 2548 | { | | | | | | { |
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| | 7 | | 8 (2) | 2550 | { | | | | | | { |
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| 37 | 1 | 237 | 26 (2,3) | 2555 | { | | | | | | { |
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| 38 | 1 | 239 | 1 | 2566 | { | | | | | | { |
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43 VICT. 1880.

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| 1 | | | | | Effete. |
| 2 | ... | | | | { Not consoli- dated. |

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| 5 | | | | | { Sup. 49 V. cc. 11, 35. | | 49 | | 51 | 167 | | |
| | | | | | | | 50 | 139 | 14 | 1286 | | |
| 6 | 1 | | | | { Not consoli- dated. | | 51 | | 15 | " | | |
| | 2 | 38 | 2 | 390 | | | 52 | | 16 | 1287 | | |
| 7 | 1 | 61 | 28 | 718 | Short title. | | 53 | | 17 | " | { Not consoli- dated. | |
| | 2 (1) | | | | | | 54 | | | | | |
| | 2 (2) | 51 | 70 (1c) | 554 | | | 55 | 51 | 130 | 569 | | |
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| | 3 | | 70 (1a) | 554 | | | 57 | | 221 | 590 | | |
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| | 7 | | | | | | 62 | 51 | 100 | 561 | | |
| | 8 | 51 | 86 | 557 | | | 63 | | 209 | 588 | | |
| | 9 | | 85 | " | | | 64 | | 220 | 590 | | |
| | 10 | | 91 | 559 | | | 65 | | 192 | 584 | | |
| | 11 | | 87 | 558 | | { Sup. 46 V. c. 7. | 9 | | | | | |
| | 12 | | 80 | 556 | 10 | | 1 | 65 | 1 | 738 | | |
| | 13 | | 98 | 561 | | | 2 | | 2 | " | | |
| | 14 | | 176 | 580 | | | 3 | | | | { Not consoli- dated. | |
| | 15 | | 89 | 559 | | | 4 | 65 | 3 | 739 | | |
| | 16 | | 208 | 587 | | | 5 (1,2) | | 4 (1,2) | " | | |
| | 17 | { 44 | 44 (1-3) | 457 | | | 5 (3) | | 4 (4) | " | | |
| | | { 51 | 148 (1) | 573 | | | 6 | | 5 | 740 | | |
| | | { 51 | 149 | " | | | 7 (1st par.) | | 6 | " | | |
| | 18 | { 91 | 33 | 876 | | | (1,2) | | 7 | " | | |
| | 19 | | 150 | 574 | | | (3-7) | | 8 | " | | |
| | 20 | | 151 | " | | | (8-12) | | 9 | 741 | | |
| | 21 | | 152 | " | | (13-17) | | 10 | 742 | | | |
| | 22 | | 153 | 575 | | (18,19) | | 11 | 743 | | | |
| | 23 | | 61 | 552 | Effete. | | (20,21) | 12 | " | | | |
| | 24 | | 62 | " | | | (22) | | 13 | " | | |
| | 25 | | | | | | (23) | | 14 | " | | |
| | 26 | 51 | 63 | 552 | | | (24) | | 15 | " | | |
| | 27 | | 64 | 553 | | | (25) | | 16 | 744 | | |
| | 28 | | 65 | " | | | (26) | | 17 | " | | |
| | 29 | | 66 | " | | | (27-29) | | 18 | " | | |
| | 30 | | 67 | " | | | (30,31) | | 19 | " | | |
| | 31 | | 68 | " | | | (32,33) | | 20 | 745 | | |
| | 32 | | 30 | 545 | | | (34) | | 21 | " | | |
| | 33 | | 27 | " | | | 8 | 23 | " | | | |
| | 34 | | 31 | 546 | | | 9 | 25 | 746 | | | |
| | 35 | | 28 | 545 | | | 10 | 26 | 747 | | | |
| | 36 | | 29 | " | | | 11 | 27 | " | | | |
| | 37 | | 58 | 551 | | | 12 | 28 | " | | | |
| | 38 | | 8 (4) | 200 | | | 13 | 29 | " | | | |
| | 39 | 11 | 54 | 551 | | | 14 | 30 | 748 | | | |
| | 40 | 51 | 50 | 552 | | | 15 | | 31 | " | | |
| | 41 | | 9 | 541 | | | | | | | | |

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| 10 | 16 | 65 | 32 | 748 | Unnecessary Rep. 47 V. c. 10, s. 2. | 15 | 8 | 125 | 22 | 1212 | Effete. | | | |
| | 17 | | 33 | 750 | | | 9 | | 23 | " | | | | |
| | 18 | | 34 | " | | | 10 Sched. | 125 | Sch. B. | 1214 | | | | |
| | 19 | | 35 | " | | 16 | | 1 | 143 | 44 | 1324 | | | |
| | 20 | | 36 | " | | | | 2 | | 45 | 1325 | | | |
| | 21 | | 37 (1-4) | " | | | | 3 | | 46 | " | | | |
| | 22 | | 38 | 751 | | | 4 | | 47 | " | | | | |
| | 23 | | 39 | " | | 17 | | | | | { Sup. 50 V. c. 25. | | | |
| | 24 | | | | | | | | | | | | | |
| | 25 | 65 | 40 | 752 | | | 18 | 1 | 162 | 14 | | 1530 | | |
| | 26 | | 41 | " | | | | 2 | | 15 | | 1531 | | |
| | 27 | | 42 | " | | | | 3 | | 16 | | " | | |
| | 28 | | 43 | " | | | | 4 | | 17 | | " | | |
| | 29 | | | | | | 5 | | 18 | " | | | | |
| | Schs. A-G. | { 65 | Schs. A-G. | { 753-6 | | | 19 | 1-4 | 157 | 3 | | 1444 | { Rep. 50 V. c. 26, s. 154 (2), and Sched. | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | 11 | 1 | 80 | 4 (1) | | 821 | { Rep. 47 V. c. 12, s. 1. | 20 | | | | | { Rep. 50 V. c. 26, s. 154 (2), and Sched. | |
| | | 2 | | (2) | | " | | | | | | | | |
| | | 3 | | | | | | | | | | | | |
| | 12 | 4 | 149 | 17 | | 1380 | Effete. | 21 | 1 | | | | Effete. | |
| | | 1 | 91 { | 38 | | 877 | | | 2 | 2 | 169 | 88 | | 1630 |
| | | | | 80 (1) | | 890 | | | | 3 | | 89 | | 1631 |
| | | | | 3 (2) | | 869 | | | | 4 | | 83-85 | | 1629 |
| | | | | 3 (2) | | " | | | | 6 (1) (2) | 169 | 86 | | 1630 |
| | | 19 | 873 | | | | | | | | Effete. | | | |
| | | 5-10 | | | | { Rep. 47 V. c. 14, s. 19 | | 22 | 1 | 166 | | 4 | 1558 | { Rep. 48 V. c. 21, s. 23. |
| | | 11 (1-3) | 91 | 61 | | 884 | | | 2 | | 14 | 1560 | | |
| (4) | | | | { Rep. 47 V. c. 14, s. 19. | 23 | 1 | | 176 | 1 (1) | 1721 | { Sup. 46 V. c. 18, s. 69. Sup. 46 V. c. 18, s. 73. Sup. 46 V. c. 18, s. 145. Sup. 46 V. c. 18, s. 220. Sup. 46 V. c. 18, s. 264. Sup. 46 V. c. 18, s. 279. Sup. 46 V. c. 18, s. 294 (2). Sup. 46 V. c. 18, s. 333 (3 5). | | | |
| 12 (1) | | 91 | 62 (1) | 885 | | 2 | | | 2 | 1722 | | | | |
| (2) | | | | | | { Repeals R. S. O. 1877, c. 7, ss. 12 (pt.), 13. | | 3 | | 3 | | " | | |
| | | | | | | | | 4 | | 4 | | " | | |
| (3) | | 91 | 62 (2) | 885 | | 5 | | | 5 | " | | | | |
| (4) | | | | { Not consoli- dated. | | 6 | | | 6 | " | | | | |
| (5) | | 91 | 62 (3) | 885 | | 7 | | | 7 | " | | | | |
| | | | 63 | " | | 8 | | | 8 | 1723 | | | | |
| (6-8) | | | 16 (1) | 872 | | 9 | | | 9 | " | | | | |
| 13 | | | | | | Effete. | | 10 | | | | 10 | " | |
| 14 | | | | | | | | | | | | | | |
| 13 | | | | { Rep. 48 V. c. 21, s. 23. | | 24 | 1 | | | | | { Short title. Sup. 46 V. c. 18, s. 69. Sup. 46 V. c. 18, s. 73. Sup. 46 V. c. 18, s. 145. Sup. 46 V. c. 18, s. 220. Sup. 46 V. c. 18, s. 264. Sup. 46 V. c. 18, s. 279. Sup. 46 V. c. 18, s. 294 (2). Sup. 46 V. c. 18, s. 333 (3 5). | | |
| | | | | | | | 2 | | | | | | | |
| | | | | | | | 3 | | | | | | | |
| 14 | 1 | 111 | 36 | 1023 | { | 3 | | | | { | | | | |
| | 2 | 109 | 31 | 994 | | | | | | | | | | |
| | 3 | 111 | 26 | 1020 | | | | | | | | | | |
| | 4 | 133 { | 9 (2) | 1261 | | | 4 | | | | | | | |
| | 10 (3) | | | | | | | | | | | | | |
| 15 | 1 | 125 | 8 | 1209 | { | 4 | | | | { | | | | |
| | 2 | | 11 | 1210 | | | | | | | | | | |
| | 3 | | 12 | " | | | | | | | | | | |
| | 4 | | 13 | " | | | | | | | | | | |
| | 5 | | 19 | 1212 | | | | | | | | | | |
| | 6 | | 26 | 1213 | | | | | | | | | | |
| | 7 | | 21 | 1212 | | | | | | | | | | |

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| 24 | 10 | | | | Sup. 46 V. c. 18, s. 469. | 27 | 12 | | | | Sup. 46 V. c. 18, s. 620. | |
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| | 12 | | | | Sup. 46 V. c. 18, s. 470. | | 14 | | | | Sup. 46 V. c. 18, s. 622(1). | |
| | 13 | | | | Sup. 46 V. c. 18, s. 495(3). | | 15 | 193 | { 43 45 | 2103 2104 | | |
| | 14 | | | | Sup. 45 V. c. 25, c. 39(1). | | 16 | | | | Sup. 46 V. c. 18, s. 322 (4). | |
| | 15 | | | | Sup. 46 V. c. 18, s. 496(46). | | 17 | | | | Sup. 46 V. c. 18, s. 631. | |
| | 16 | | | | Sup. 46 V. c. 18, s. 514. | | 18 (1-3) | 193 | 79 (1-3) | 2117 | | |
| | 17 | | | | Sup. 46 V. c. 18, s. 494. | | (4) | | (4) | " | | |
| | 18 | | | | Sup. 46 V. c. 18, s. 530. | | (5) | | (5) | 2118 | | |
| | 19 | | | | Sup. 46 V. c. 18, s. 472. | | (6) | | (7) | " | | |
| | 20 | | | | Sup. 46 V. c. 18, s. 452. | | 19 | | 38 | 2101 | | |
| | 21 | | | | Sup. 46 V. c. 18, s. 496(43). | | 20 | | | | Rep. 49 V. c. 38, s. 8. | |
| | 22 | | | | Sup. 46 V. c. 18, s. 268(23). | | 21 | 193 | | 2120 | | |
| | 23 | | | | Sup. 46 V. c. 18, s. 574(2). | | 22, 23 | | 92 | | Effete. | |
| | 24 | | | | Sup. 46 V. c. 18, s. 490(6). | | 28 | 1 | 185 | 33 | 2026 | |
| | 25 | | | | Sup. 46 V. c. 18, s. 511(2). | | 29 | | | | { Part Rep. 47 V. c. 37, s. 1; rest Effete. | |
| | 26 | 114 | 88 | 1064 | Sup. 46 V. c. 18, s. 463 (2). | | 30 | | | | { Rep. 47 V. c. 27, s. 22. | |
| | 27 | | | | Sup. 46 V. c. 18, s. 463 (2). | | 31 | | | | { Rep. 49 V. c. 45, s. 1. | |
| 25 | | | | | Not consoli- dated. | | 32 | | | | { Rep. and Sup. 48 V. c. 49, s. 272; 49 V. c. 46. | |
| 26 | | | | | Sup. 46 V. c. 18. | 33 | 1 | 233 | 1 | 2533 | | |
| | | | | | | | 2 | | 2 | 2534 | | |
| | | | | | | | 3 | | 3 | " | | |
| | | | | | | | 4 | | 4 | " | | |
| | | | | | | | 5 | | 5 | 2535 | | |
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| | | | | | | | 10 | | 11 | " | | |
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| | | | | | | | 12 | | 15 | 2537 | | |
| | | | | | | 34 | 1 | 241 | 1 | 2577 | | |
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| | 30 | | 63 | " | | | 68 | (1) | | | |
| | 31 | | 64 | " | | | | (2) | 44 | 136 | |
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| | 39 | | 73-75 | 468-9 | | | 75 | | | | Sup. 49 V c. 16, s. 2. |
| | 40 | | 9 | 449 | | | 76 | 44 | 157 | 492 | |
| | 41 | | 49 | 457 | | | 77 | 47 | 21 | 507 | |
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| | 44 | | | | | | 78 | 47 | 22 | 507 | Effete. |
| | 45 | 44 | 78 | 469 | | | | 51 | 74 | 555 | |
| | 46 | | 89 (1) | 471 | | | 79(1-5) | 50 | 73 | 537 | |
| | 47 | | 101 | 475 | | | (6) | | | | |
| | 48 | | 102 | " | | | 80 | 44 | 54 | 464 | |
| | 49 | | 103 | " | | | | 47 | 53 | 514 | Effete. C.R. 563. |
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| | (1d) | | (1e) | 477 | | | 87 | | 163 | 494 | |
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| | (3) | | (1a-c) | 476 | | | 89 | 250 | 26 | 2657 | |
| | (4) | | (4) | 477 | | | 90 | (1) | | | Not consolidated. Repealing clause. |
| | (5) | | 106 | " | | | | (2) | | | |
| | (6) | 44 | 107 | 478 | | | | (3) | 27 | 3 | |
| | (7) | | 105 (2) | 477 | | | 91 | 44 | 2 | 445 | |
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| | 55 | | 108 | 478 | | Not consolidated. | (1-35) | | | | Sup. C.R. |
| | 56 | | 109 | " | | | | (36) | 104 | 11(2,3) | |
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| | 58 | (1) | 44 | 114 (1) | 479 | (222) | 10 | 27 | 179 | | |
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| | | (3) | | 125 (10) | 483 | (272) | | | | | |
| | | (4) | | 114 (2) | 479 | (273) | 45 | 4 | 495 | | |
| | | (5) | | | | (274) | | | | Sup. C.R. | |
| | 59 | 44 | 115 | 480 | Effete. | 416 | | | | | |
| | 60 | | | | Effete. | (417) | 44 | 125 (5) | 482 | Sup. C.R. | |
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| | 63 | 44 | 124 | 481 | | (432) | 44 | 155 | 491 | | |
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| | | (3) | (4) | " | | 437 | | | | | |
| | | (4) | (5) | " | | (438) | 44 | 112 (1) | 479 | Sup. C.R. | |
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| | | (8) | (9) | " | | (488) | | | | Sup. C.R. | |
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| | | (10) | (11) | " | | | 51 | 207 (2) | 509 | Sup. C.R. | |
| | | (11) | (12) | " | | (490) | 47 | 28 | 587 | | |
| | | (12) | (13) | " | | (491) | | | | Sup. C.R. | |
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| | 65 | | 50 | 15 | 522 | | | | | | |

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| 7 | 1 | | | | C. R. 1163. | | 7 | | 6 | " | |
| | 2 | | | | " 1164. | | 8 | | 7 | " | |
| | 3 | | | | " 1165. | | 9 | | 8 | " | |
| | 4 | | | | Effete. | | 10 | | 9 | 1509 | |
| | | | | | | | 11 | | 10 | " | |
| | | | | | | | 12 | | 11 | " | |
| 8 | 1 | | | | { Not consoli- | | 13 | | 12 | " | |
| | 2 | 125 | 24(1,2) | 1213 | dated. | | 14 | | 13 | " | |
| | 3 | 83 | 9, 10 | 834 | | | 15 | | 14 | " | |
| | 4 | 83 | Sched. | 836 | | | 16 | | 15 | 1510 | |
| | | 86 | Sh'ffs(6) | 852 | | | 17 | | 16 | " | |
| | | | " (6) | | | | 18 | | 17 | " | |
| | | | | | | | 19 | | 18 | 1510 | |
| | | | | | | | 20 | | 19 | " | |
| | | | | | | | 21 | | 39 | 1515 | |
| 9 | | | | | { Not consoli- | | 22 | | 54 | 1518 | |
| | | | | | dated. | | 23 | | 55 | 1519 | |
| 10 | 1 | 114 | 70 (1) | 1058 | | | 24 | | 57 | " | |
| 11 | | | | | Disallowed. | | 25 | | 58 | 1520 | |
| | | | | | | | 26 | | 59 | " | |
| | | | | | | | 27, 28 | | 60 | " | |
| 12 | | 125 | 14 | 1210 | | 20 | ..... | ..... | ..... | ..... | { Rep. 50 V. c |
| 13 | | 130 | 11 | 1238 | | | | | | | 26, s. 154 (2), |
| 14 | 1 | 133 | 9 (1) | 1260 | | 21 | 1 | 180 | 2 | 1727 | and Sched. |
| | 2 | | 11 | 1261 | | | 2 | | 3 | " | |
| | 3 | | 10(1, 2) | " | | | 3 | 157 | 57 (8) | 1457 | |
| | 4 | | 12 | 1262 | | | 4 | { 157 | 57 (8) | " | |
| | 5 | | | | { Rep. 46 V. | | | 180 | 1 | 1727 | |
| | 6 | 133 | 14-17 | 1262-3 | c. 12, s. 1. | | | | | | |
| | F'm A. | | F'm A | 1263 | | 22 | 1 | 212 | 1 | 2327 | |
| | " B. | | " B | 1264 | | | 2 | | 2 | " | |
| | | | | | | | 3 | | 3 | " | |
| 15 | | | | | { Rep. 47 V.c. | | 4 | | | | { Not consoli- |
| | | | | | 20, s. 24. | | 5 | 212 | 4 | 2328 | dated. |
| 16 | 1 | 137 | 10 | 1278 | | | 6 | | 5 | " | |
| | 2 | | 12 | 1279 | | | 7 | | 6 | 2329 | |
| | 3 | | 18 | 1280 | | | 8 | | 7 | 2330 | |
| | | | 10 | 1278 | | | 9 | | 8 | 2331 | |
| | | | | | | | 10 | | 9 | " | |
| 17 | 1 | 145 | 44 | 1338 | | 23 | | | | | { Not consoli- |
| | 2 | | 45 | 1339 | | | | | | | dated. |
| | 3 | | 46 | " | | | | | | | |
| | 4 | | 47 | " | | | | | | | |
| 18 | 1 | 157 | 18 | 1448 | | 24 | | | | | { Sup. 46 V. c. |
| | 2 | | 5 | 1445 | | | | | | | 18. |
| | 3 | | 26 | 1450 | | | | | | | |
| | 4 | | 27 | " | | | | | | | |
| | 5 | | | | Effete. | | | | | | |
| | 6 | | | | { Repeals R. | | | | | | |
| | | | | | S. O. 1877, c | | | | | | |
| | | | | | 150, s. 16. | | | | | | |
| 19 | 1 | 160 | 1 | 1507 | | 25 | 1 | 193 | 14 (2) | 2090 | |
| | 2, 3 | | 2 | " | | | | | (3) | 2092 | |
| | 4 | | 3 | 1508 | | | | | 225 | 2151 | |
| | 5 | | 4 | " | | | | | Sch. B. | 2156 | |
| | | | | | Effete. | | 2 | | | | { Rep. 49 V. |
| | | | | | | | 3 | 193 | 64 (15) | 2111 | c. 38, s. 8. |
| | | | | | | | 4 | | (20) | " | |
| | | | | | | | 5 | | 124 (2) | 2127 | |
| | | | | | | | 6 | | 132 | 2129 | |
| | | | | | | | | | 133 (1) | " | |
| | | | | | | | | | 134 | " | |
| | | | | | | | 7 | | 207 | 2147 | |
| | | | | | | | 8 | | 208 | " | |

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| 25 | 9 | 193 | 209 | 2148 | | 1 | | | | Effete. | | |
| | 10 | | 213 | " | | 2 | 1 | 23 | 18 | 283 | | |
| | 11 | | 206 | 2147 | | | 2 | | 8 | 282 | | |
| | 12 | | 12 | 2090 | | | 3 | | 9 | " | | |
| 26 | 1 | 198 | 1 | (1) 2233 | | | 4 | | | Effete. | | |
| | 2 | | 2 | 2234 | | | 5 | 23 | 27 | 285 | | |
| | | | | | | | 6 | ..... | ..... | ..... |  |  |
| | | | | | | | | | | | | |
| 27 | 1 | 194 | 37 | (3) 2177 | | 3 | ..... | ..... | ..... | { Not consoli- dated. | | |
| | 2 | | 41(1,4-6) | 2178-9 | | | | | | | | |
| | 3 | | 45 | (1) 2180 | | 4 | | | | | { Sup. 49 V. c. 11. | |
| | 4 | | 52 | (1) 2182 | | | | | | | | |
| | 5 | ..... | ..... | ..... | { Rep. 49 V. c. 39, s. 4. | | | | | | | |
| | 6 | 194 | 79 | 2191 | | | | | | | | |
| | 7 | | 105 | (1) 2199 | | 5 | 1-8 | | | | { Sup. 49 V. c. 11. | |
| | 8 | | 112 | (2) 2201 | | | | | | | | |
| | 9 | | 132 | 2209 | | | 9 | ..... | ..... | { Repealing clause. | | |
| | 10 | | 133 | 2210 | | 6 | 1 | | | | | |
| | 11 | | 148 | (1) 2213 | | | 2 | 44 | 14 | 450 | | |
| | 12 | | 120 | 2204 | | | 3 | | 15 | " | | |
| | 13 | { | 141 | 2212 | { Rep. 49 V. c. 39, s. 8. | | 4 | 47 | 42 | 512 | | |
| | 14 | | 143-145 | 2212 | | | 5 | { | 43, 44, | " | | |
| | 15 | ..... | ..... | ..... |  |  | 6 | | 45 | " | | |
| | 16 | 194 | 151 | 2215 | | | 7 | 44 | 48 | 457 | | |
| | 17 | | 121 | 2204 | | 7 | 1 | (1) 91 | 21 | (2) 873 | | |
| | 18 | | 39 | 2177 | | | | (2) | | | Effete. | |
| | 19 | | 22 | 2171 | | | | (3) | 91 | 33 | | 876 |
| | 20 | | 23 | " | | | | (4) | | | | " |
| | 21 | | 24 | 2172 | | 2 | | 32 | 21 | (1) 873 | | |
| | 22 | | 25 | (1) " | | | 3 | 51 | 32 | 546 | | |
| | 23 | | 2 | (5) 2162 | | | 4 | | 34 | " | " | |
| | 24 | | 26 | 2173 | | | 5 | | 235 | 593 | | |
| | 25 | | 134 | (2) 2210 | | | 6 | | 218 | 589 | | |
| | 26 | { | Scheds. G. J. | 2222-5 | Effete. | | 7 | { 44 | 45 | 457 | | |
| | 27-29 | ..... | ..... | ..... |  |  |  | { 51 | 304 | 608 | | |
| | Sch. K. | 194 | Sch. K. | 2226 | | 8 | | | | | { Sup. 46 V. c. 7. | |
| | " L. | | " L. | 2227 | | | | | | | | |
| | " M. | | " M. | " | { Rep. 47 V. c. 37, s. 1. | 9 | 1 | | | | Short title. | |
| 28 | ..... | ..... | ..... | ..... |  |  | 2 | 57 | 1 | 698 | | |
| | | | | | | | 3 | | 7 | (1) 700 | | |
| 29 | 1 | 222 | 2 | (2) 2378 | | { Rep. and Sup. 48 V. c. 49, s. 272 ; 49 V. c. 46. Sup. 50 V. cc. 43, 44. | 10 | 1 | | | | Short title. |
| 30 | ..... | ..... | ..... | ..... |  |  | 2 | 61 | 14 | (2) 713 | | |
| | | | | | | | 3 | | 6 | 711 | | |
| | | | | | | | 4 | | 7 | " | | |
| 31 | ..... | ..... | ..... | ..... |  |  | 5 | 14 | (1) 713 | | | |
| | | | | | | | 6 | | 48 | 724 | | |
| 32 | 1 { | 238 | 15 | 2560 | | | 7 | | | | { Repeals R.S.O. 1877, c. 62, ss. 6, 7. | |
| | 2 { | 239 | 14 | 2568 | | | | | | | | |
| | 3 { | 238 | 16 | 2560 | | | | | | | | |
| | 4 { | 240 | 13 | 2575 | | | | | | | | |
| | | | 14 | " | { Repealing clause. | 11 | 1 | 62 | 1, 2 | 725 | { Part not consoli- dated. | |
| 33 | 1(part) | | | | | | 2 | 47 | 54 | 511 | | |
| | | | | | | | 3 | 50 | 70 | (2) 536 | | |
| | | | | | | | 4 | 22 | 22 | 277 | | |
| | (part) | | | | { Not consoli- dated. | | 5 | 44 | 153 | (2) 491 | | |

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| 11 | 6 | 83 | Sch. Sh'ffs. | 833 | | 17 | 4 (1-2) | 157 | 78 | 1463 | Unnecessary |
| | 7, 8 | | (13, 20) | 837 | | | (3) | 57 (1, 6) | 1456-7 | | |
| | 9 | | (30, 31) | 838 | | | (1) | 24 | 1449 | | |
| | 10 | | (37, 38) | " | | | (2) | 22 (3) | " | | |
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| | 11 | 86 | Sch. Sh'ffs. | 852 | | | 183 | 47 | 1749 | Effete. | |
| | 12 | | (12) | " | | | 48 (1, 2) | " | | | |
| | 13 | | (26) | 853 | | | 49 | 1750 | | | |
| | 14 | { | (27) | " | | | 50 | " | | | |
| | 15 | | (33) | 854 | | | 183 51 | 1750 | | | |
| | 14 | 83 | | | | | 52 | 1751 | | | |
| | 15 | 16 | 11 | 835 | | | 53 | | | | |
| | | | 52 | 249 | | | 48 (3) | 1750 | | | |
| 12 | 1 | 69 | 1 | 777 | | | 54 | 1751 | | | |
| | 2 | | 2 | " | | | 55 | " | | | |
| | 3 | | 3 | " | | | 56 | " | | | |
| | 4 | | 4 | 778 | | | 175 1 (1) | 1714 | | | |
| | 5 | | 5 | " | | | 2 | " | | | |
| 13 | 1 | 117 | 5 | 1163 | | | 22 (1, 2) | 33 | 1720 | | |
| | 2 | | 9 | " | | | (3) | 176 2 | 1722 | | |
| | 3 | | | | Repeals R.S.O. 1877, c. 112, s. 8. | Sched. | 183 | Sched. | 1752 | | |
| 14 | | | | | Disallowed | | | | | | |
| 15 | 1 | 126 | | | Short title. | 18 | 1 | 164 | 58 | 1545 | |
| | 2, 3 | | 6 | 1217 | | | 2 | 58 | " | | |
| | 4 | | 9 (3) | 1218 | | | 3 | 98 | 1553 | | |
| | 5 | | 10 | 1219 | | | 4 | 99 | " | | |
| | 6 | | 7 | 1218 | | | 5 | 100 | " | | |
| | 7 | 20, 21 | 21 | 1221 | | 6 | 101 | 1554 | | | |
| | 8 | | 17 | 1220 | | 7 | 102 | " | | | |
| | 9 | | | | Effete. | 8 | 103 | " | | | |
| | 10 | 126 | 17 | 1220 | | 9 | 104 | " | | | |
| | 11 | | 18 (2, 3) | 1221 | | 10 | 105 | " | | | |
| | 12 | | 30 (3) | 1223 | | 11 | 106 | " | | | |
| | 13 | | 5 (3) | 1217 | | 12 | | | | Sup. 46 V. c. 18, s. 368. | |
| | 14 | | 30 (5) | 1223 | | 13 | | | | Sup. 46 V. c. 18, s. 483. | |
| | 15 | | 26 | 1222 | | | | | | | |
| | 16 | | 27 | " | | | | | | | |
| | 17 | | | | Effete. | | | | | | |
| | Sched. Form A | { | | | Sup. new forms. | 19 | 1 | 165 | 1 | 1555 | |
| | " B | | | | | | 2 | 2 | " | | |
| | " C | | | | | | 3 | 3 | 1556 | | |
| | | 126 | Sched. Form 4 | 1226 | | 4 | 4 | | | | |
| 16 | 1 | 154 | 2 (2) | 1421 | | 20 | | | | | Rep. 50 V. c. 26, s. 154 (2), & Sched. |
| 17 | 1 | 157 | | | Short title. | 21 | 1 | 199 | 1 | 2235 | |
| | 2 (1-3) | | 74 | 1462 | | | 2 | 2 | " | | |
| | (4) | | 75 | " | | | 3 | 3 | " | | |
| | (5, 6) | | 76 | " | | | 4 | 4 | 2236 | | |
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| | 18 | | 18 | 2239 | | | 29 | | 29 | " | |
| | 19 | | 19 | " | | | 30 | | 30 | 2075 | |
| | 20 | | 20 | " | | | 31 | | 31 | " | |
| | 21 | | 21 | 2240 | | | 32 | | 32 | " | |
| | 22 | | 22 | " | | | 33 | | 33 | 2076 | |
| | 23 | | 23 | " | | | 34 | | 34 | 2077 | |
| | 24 | | 24 | " | | | 35 | | 35 | " | |
| | 25 | | 25 | " | | | 36 | | 36 | " | |
| | 26 | | 26 | 2241 | | | 37 | | 37 | " | |
| | 27 | | 27 | " | | | 38 | | 38 | " | |
| | 28 | | 28 | " | | | 39 | | 39 | 2078 | |
| | 29 | | 29 | " | | | 40 | | 40 | " | |
| | 30 | | 30 | " | | | 41 | | 41 | " | |
| | 31 | | 31 | " | | | 42 | | 42 | " | |
| | 32 | | 32 | 2242 | | | 43 | | 43 | 2079 | |
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| 22 | 1 | 189 | 1 | 2044 | | | 45 | | 45 | 2080 | |
| | 2 | | 2 | " | | | 46 | | 46 | " | |
| | (1) | | (1) | " | | | 47 | | 47 | 2081 | |
| | (2) | | (2) | " | | | 48 | | 51 | 2082 | |
| | (3) | | (3) | " | | | | | | | |
| | (4) | | (6) | 2045 | | | | | | | |
| | 3 | | 3 | " | | 26 | 1 | | | | Sup. 46 V. c. |
| | 4 | | 4 | 2046 | | | | | | | 18, s. 570 (2a, |
| | 5 | | 5 | 2047 | | | | | | | 3a, 6, 7, 16). |
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| | 4 | | 4 | 2068 | | | 19 | | | | 18, s. 611. |
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| | 6 | | 6 | " | | | Sched. | | | | 18, s. 602. |
| | 7 | | 7 | " | | | | | | | Not consoli- |
| | 8 | | 8 | 2069 | | 27 | | | | | dated. |
| | 9 | | 9 | " | | | | | | | Short title. |
| | 10 | | 10 | " | | 28 | 1 | | | | |
| | 11 | | 11 | " | | | 2 | 193 | 3 | 2085 | |
| | 12 | | 12 | 2070 | | | 3 | | 4 | 2086 | |
| | 13 | | 13 | " | | | 4 | | 14 (3) | 2092 | Part effete. |
| | 14 | | 14 | " | | | 5 | | 123 (1) | 2127 | |
| | 15 | | 15 | " | | | 6 | | 124 (1) | " | |
| | 16 | | 16 | 2071 | | | 7 | | (2) | " | |
| | 17 | | 17 | " | | | 8 | | 125 | 2128 | |
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| | 19 | | 19 | 2072 | | 29 | 1 | 205 | 3 | 2260 | |
| | 20 | | 20 | " | | | 2 | | | | Rep. 50 V. c. |
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| 29 | 8 | 205 | 6 | 2261 | { Rep. 50 V. c. 34, s. 9. Sup. 47 V. c. 38, ss. 3-6. | 3 | | | | { Not consoli- dated. | |
| | 9 | | | | | 4 | | | | | Effete. |
| | 10, 11 | | | | | 5 | | | | | { Not consoli- dated. |
| | 12 | 205 | 95 | 2281 | | 6 | 1 | | | | |
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| | 14 | | 98 | | | 3 | | | | | |
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| | 17 | | | | { Sup. 47 V. c. 38, s. 49. | | | 5 | 50 | 10 | 521 |
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| | 20 | | | | | { | 2 | | | | |
| | 21 | 205 | 7 | 2261 | 3 | | | | | 611 | |
| 30 | | | | | 4 | | | | | | |
| 31 | 1 | 237 | 24, 25 | 2554-5 | 5 | | | | | | |
| 32 | 1 | 245 | 11 (1) | 2592 | 6 | | | | | | |
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| | | | | | 13 | | | | | | |
| | | | | | 14 | | | | 615 | | |
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| | | | | | 33 | | | | 621 | | |
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| | 46 | | 46 | 642 | | | 109 | | 643 | | |
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| | 48 | | 48 | 644 | | | 111 | | 645 | | |
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| | 53 | | 53 | 649 | | | 116 | | 650 | | |
| | 54 | | 54 | 650 | | | 117 | | 651 | | |
| | 55 | | 55 | 651 | | | 118 | | 652 | | |
| | 56 | | 56 | 652 | | | 119 | | 653 | | |
| | 57 | | 57 | 653 | | | 120 | | 654 | | |
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| | 59 | | 59 | 655 | | | 122 | | 656 | | |
| | 60 | | 60 | 656 | | | 123 | | 657 | | |
| | 61 | | 61 | 657 | | | 124 | | 658 | | |
| | 62 | | 62 | 658 | | | 125 | | 659 | | |
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| | 69 | | 69 | 665 | | | 132 | | 666 | | |
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| | 71 | | 71 | 667 | | | 134 | | 668 | | |
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| | 101 | 101 | 697 | 164 | | | 698 | | | | |
| | 102 | 102 | 698 | 165 | | | 699 | | | | |
| | 103 | 103 | 699 | 166 | | | 700 | | | | |
| | 104 | 104 | 700 | 167 | | | 701 | | | | |
| | 105 | 105 | 701 | 168 | | | 702 | | | | |
| | 106 | 106 | 702 | 169 | | | 703 | | | | |
| | | | | 170 | | | 704 | | | | |

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| 7 | 171 | 52 | 169 | 655 | | 16 | 14 | 171 | 14 | 1688 | | | | |
| | 172 | | 170 | " | | | 15 | | 15 | " | | | | |
| | 173 | | 171 | 656 | | | 16 | | 16 | 1689 | | | | |
| | 174 | | 172 | 657 | | | 17 | | 17 | 1690 | | | | |
| | 175 | | 173 | " | | | 18 | | 18 | " | | | | |
| | 176 | | 174 | " | | | 19 | | 19 | " | | | | |
| | 177 | | 175 | 658 | | | 20 | | 20 | 1691 | | | | |
| | 178 | | 176 | " | | | 21 | | 21 | " | | | | |
| | 179 | | | | | | Repealing clause. | | 22 | 22 | | " | | |
| | 180 | | | | | | Effete. | | 23 | 23 | | " | | |
| Sch. A. | B. | 52 | Sch. A. | 658 | | 17 | ..... | ..... | ..... | { Sup. 46 V. c. 18. | | | | |
| | | | | 661 | | | | | | | | | | |
| | | | | 672 | | | | | | | | | | |
| " B. | C. | ..... | Sch. B. | 661 | | 18 | 1 | 184 | 1 | 1759 | | | | |
| | | | | 661 | | | | | 2 | 2 | | " | | |
| | | | | 672 | | | | | 3 | 3 | | 1760 | | |
| " C. | ..... | 86 | { Sched. "Other matters" } | 857 | | 2 | 4 | 4 | 4 | " | | | | |
| | | | | 834 | | | | | 5 | 5 | | " | | |
| | | | | 834 | | | | | 6 | 6 | | " | | |
| 8 | 1 | 86 | 10 | 834 | Effete. | 3 | 5 | 5 | 5 | " | | | | |
| | 2 | | | | | | | | 6 | 6 | | " | | |
| | 3 | | | | | | | | 7 | 7 | | " | | |
| 9 | 1 | 110 | 36 | 1009 | | 4 | 6 | 6 | 6 | 1761 | | | | |
| | 2 | | | | | | | | 7 | 7 | | " | | |
| | 3 | | | | | | | | 8 | 8 | | 1762 | | |
| 10 | ..... | ..... | ..... | ..... | Disallowed. | 5 | 9 | 9 | 9 | " | | | | |
| | | | | | | | | | 10 | 10 | | 1762 | | |
| | | | | | | | | | | 11 | | 11 | " | |
| 11 | 1 | 131 | 21 | (1) 1248 | Short title. | 6 | 12 | 12 | 12 | " | | | | |
| | 2 | | | | | | | | (2) | 13 | | 13 | 1763 | |
| | 3 | | | | | | | | | | | 14 | 14 | " |
| 4 | ..... | ..... | ..... | ..... | { Not consolidated. | 7 | 15 | 15 | 15 | 1764 | | | | |
| | | | | | | | | | 16 | 16 | | " | | |
| | | | | | | | | | | 17 | | 17 | 1766 | |
| 12 | 1 | 133 | 13 | 1262 | | 8 | 18 | 18 | 18 | " | | | | |
| | 2 | | | | | | | | 19 | 20 | | 19 | " | |
| | 3 | | | | | | | | | | | 20 | 20 | 1767 |
| 13 | 1 | 159 | 100 | 1488 | { Rep. 47 V. c. 24, s. 5. | 9 | 21 | 21 | 21 | " | | | | |
| | 2 | | | | | | | | 102 | (3) | | 22 | 22 | " |
| | 3 | | | | | | | | | | | | 23 | 23 | 1768 |
| 14 | 1 | 164 | 8 | 1537 | | 10 | 24 | 24 | 24 | 2147 | | | | |
| | 2 | | | | | | | | 61 | 1546 | | 25 | 25 | 1768 |
| | | | | | | | | | | | | | 26 | 26 | 1769 |
| 15 | ..... | ..... | ..... | ..... | { Rep. 50 V. c. 26, s. 154 (2), and Sched. | 11 | 27 | 27 | 27 | 1770 | | | | |
| | | | | | | | | | 28 | 28 | | " | | |
| | | | | | | | | | | 29 | | 29 | 1771 | |
| 16 | 1 | 171 | 1 | 1685 | | 12 | 30 | 30 | 30 | " | | | | |
| | 2 | | | | | | | | 2 | 3 | | 31 | 1772 | |
| | 3 | | | | | | | | | | | 32 | 32 | " |
| 3 | ..... | ..... | ..... | ..... |  | 13 | 33 | 33 | 33 | " | | | | |
| | | | | | | | | | 34 | 34 | | " | | |
| | | | | | | | | | | 35 | | 35 | " | |
| 4 | ..... | ..... | ..... | ..... |  | 14 | 36 | 36 | 36 | 1773 | | | | |
| | | | | | | | | | 37 | 37 | | " | | |
| | | | | | | | | | | 38 | | 38 | " | |
| 5 | | | | | | 15 | 39 | 39 | 39 | 1774 | | | | |
| | | | | | | | | | 40 | 40 | | " | | |
| | | | | | | | | | | 41 | | 41 | " | |
| 6 | | | | | | 16 | 42 | 42 | 42 | " | | | | |
| | | | | | | | | | 43 | 43 | | " | | |
| | | | | | | | | | | 44 | | 44 | " | |
| 7 | | | | | | 17 | 45 | 45 | 45 | " | | | | |
| | | | | | | | | | 46 | 46 | | 1775 | | |
| | | | | | | | | | | 47 | | 47 | " | |
| 8 | | | | | | 18 | 48 | 48 | 48 | " | | | | |
| | | | | | | | | | 49 | 49 | | " | | |
| | | | | | | | | | | | | | | |

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| 18 | 50 | 184 | 50 | 1776 | { Rep. 48 V. c. 39, s. 2. | 18 | 111 | 184 | 112 | 1796 | { Rep. 47 V. c. 32, s. 5. |
| | 51 | | 51 | " | | 112 | 113 | | 1797 | | |
| | 52 | | 52 | " | | 113 | 114 | | " | | |
| | 53 | | 53 | " | | 114 | 115 | | " | | |
| | 54 | | 54 | " | | 115 | 116 | | " | | |
| | 55 | | 55 | 1777 | | 116 | | | | | |
| | 56 | 184 | | | | 117 | 184 | 118 | 1798 | | |
| | 57 | | 57 | 1777 | | 118 | | 119 | " | | |
| | 58 | | 58 | " | | 119 | | 120 | " | | |
| | 59 | | 59 | 1778 | | 120 | | 121 | " | | |
| | 60 | | 60 | " | | 121 | | 122 | 1799 | | |
| | 61 | | 61 | " | | 122 | | 123 | " | | |
| | 62 | | 62 | " | | 123 | | 124 | 1800 | | |
| | 63 | | 63 | " | | 124 | | 125 | " | | |
| | 64 | | 64 | 1779 | | 125 | | 126 | " | | |
| | 65 | | 65 | " | | 126 | | 127 | " | | |
| | 66 | | 66 | 1780 | | 127 | | 128 | 1801 | | |
| | 67 | | 67 | " | | 128 | | 129 | " | | |
| | 68 | | 68 | 1781 | | 129 | | 130 | " | | |
| | 69 | | 69 | " | | 130 | | 131 | " | | |
| | 70 | | 70 | 1782 | 131 | 132 | | 1802 | | | |
| | 71 | | 71 | " | 132 | 133 | | " | | | |
| | 72 | | 72 | " | 133 | 134 | | " | | | |
| | 73 | | | | 134 | 135 | | " | | | |
| | 74 | 184 | 74 | 1783 | 135 | 136 | | 1803 | | | |
| | | | 75 | 1784 | 136 | 137 | | " | | | |
| | | | 76 | " | 137 | 138 | | " | | | |
| | | | 77 (1) | 77 (1) | " | 138 | | 139 | " | | |
| | | | (2) | (2) | " | 139 | | 140 (1) | 1804 | | |
| | | | 78 | 78 | " | 140 | | 141 | " | | |
| | | | 79 | 79 | 1785 | 141 | | 142 | 1805 | | |
| | | | 80 | 80 | 1787 | 142 | | 143 | " | | |
| | | | 81 | 81 | " | 143 | | 144 | 1806 | | |
| | | | 82 | 82 | " | 144 | | 145 | " | | |
| | | | 83 | 83 | " | 145 | | 146 | " | | |
| | | | 84 | 84 | 1788 | 146 | | 147 | 1807 | | |
| | | | 85 | 85 | " | 147 | | 148 | " | | |
| | | | 86 | 86 | " | 148 | | 149 | " | | |
| | | | 87 | 87 | " | 149 | | 150 | 1808 | | |
| | | | 88 | 88 | 1789 | 150 | | 151 | " | | |
| | | | 89 | 89 | " | 151 | | 152 | " | | |
| | | | 90 | 90 | " | 152 | | 153 | 1809 | | |
| | | | 91 | 91 | " | 153 | | 154 | " | | |
| | | | 92 | 92 | 1790 | 154 | | 155 | " | | |
| | | | 93 | 93 | " | 155 | | 156 | 1811 | | |
| | | | 94 | 94 | " | 156 | | 157 | " | | |
| | | | 95 | 95 | " | 157 | | 158 | 1812 | | |
| | | | 96 | 96 | " | 158 | | 159 | " | | |
| | | | 97 | 97 | " | 159 | | 160 | " | | |
| | | | 98 | 98 | 1791 | 160 | | 161 | " | | |
| | | | 99 | 99 | " | 161 | | 162 | 1813 | | |
| | | | 100 | 100 | " | 162 | | 163 | " | | |
| | | | 101 | 101 | 1792 | 163 | | 164 | 1815 | | |
| | | | 102 | 102 | " | 164 | | 165 | " | | |
| | | | 103 | 103 | 1793 | 165 | | 166 | 1816 | | |
| | | | 104 | 104 | 1794 | 166 | | 167 | " | | |
| | | | 105 | 105 | " | 167 | | 168 | " | | |
| | | | 106 | 106 | 1795 | 168 | | 169 | 1817 | | |
| | | | 107 | 107 | 1796 | 169 | | 170 | " | | |
| | | | 108 | 108 | " | 170 | | 171 | " | | |
| | | | 109 | 109 | " | 171 | | 172 | " | | |
| | | | 110 | 110 | " | 172 | | 173 | 1818 | | |
| | | | | | | 173 | | 174 | " | | |

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| 18 | 174 | 184 | 175 | 1818 | Rep. 48 V. c. 39, s. 7. | 18 | 236 | 184 | 238 | 1831 | Rep. 49 V. c. 37, s. 3. Rep. 50 V. c. 29, s. 9. |
| | 175 | | 176 | " | | | 237 | | 239 | " | |
| | 176 | | 177 | 1819 | | | 238 | | 240 | " | |
| | 177 | | 178 | " | | | 239 | | 241 | " | |
| | 178 | | 179 | " | | | 240 | | 242 | " | |
| | 179 | | 180 | " | | | 241 | | 243 | 1832 | |
| | 180 | | 181 | " | | | 242 | | 244 | " | |
| | 181 | | 183 | 1820 | | | 243 | | 245 | " | |
| | 182 | | 184 | " | | | 244 | | 246 | 1833 | |
| | 183 | | | | | | 245 | | 247 | " | |
| | 184 | 184 | 186 | 1820 | Rep. 50 V. c. 29, s. 11. | | 246 | | | | Rep. 50 V. c. 29, s. 9. |
| | 185 | | 187 | 1821 | | | 247-251 | | | | |
| | 186 | | 188 | " | | | 252 | 184 | 249 | 1834 | |
| | 187 | | 189 | " | | | 253 | | 250 | " | |
| | 188 | | 190 | 1822 | | | 254 | | 251 | " | |
| | 189 | | 191 | " | | | 255 | | 253 | 1835 | |
| | 190 | | 192 | " | | | 256 | | 254 | " | |
| | 191 | | 193 | " | | | 257 | | 255 | 1836 | |
| | 192 | | 194 | " | | | 258 | | 256 | 1836 | |
| | 193 | | 195 | " | | | 259 | | 257 | " | |
| | 194 | | 196 | " | | | 260 | | 258 | 1837 | |
| | 195 | | 197 | " | | | 261 | | 263 (1) | 1838 | |
| | 196 | | 198 | 1823 | | | 262 | | | | Rep. 50 V. c. 29, s. 9. |
| | 197 | | 199 | " | | | 263 | 184 | 265 | 1838 | |
| | 198 | | 200 | " | | | 264 | | | | |
| | 199 | | 201 | " | | | 265 | 184 | 266 | 1838 | |
| | 200 | | 202 | 1824 | | | 266 | | 267 | " | |
| | 201 | | 203 | " | | | 267 | | 268 | " | |
| | 202 | | 204 | " | | | 268 (1) | | 259 (1) | 1837 | |
| | 203 | | 205 | " | | | (2) | | 262 | " | |
| | 204 | | 206 | " | | | (3) | | 264 | 1838 | |
| | 205 | | 207 | " | | | 269 | | 261 | 1837 | |
| | 206 | | 208 | " | | 270 | | 259 (2) | " | | |
| | 207 | | 209 | 1825 | | 271 | | 269 | 1839 | | |
| | 208 | | 210 | 1826 | | 272 | | 270 | " | | |
| | 209 | | 211 | " | | 273 | | 271 | 1840 | | |
| | 210 | | 212 | " | | 274 | | 272 | " | | |
| | 211 | | 213 | 1827 | | 275 | | 273 | " | | |
| | 212 | | 214 | " | | 276 | | 274 | " | | |
| | 213 | | 215 | " | | 277 | | 275 | 1841 | | |
| | 214 | | 216 | " | | 278 | | 276 | " | | |
| | 215 | | 217 | " | | 279 | | 277 | " | | |
| | 216 | | 218 | " | | 280 | | 278 | " | | |
| | 217 | | 219 | 1828 | | 281 | | 279 | 1842 | | |
| | 218 | | 220 | " | | 282 | | 280 | " | | |
| | 219 | | 221 | " | | 283 | | 281 | " | | |
| | 220 | | 222 | " | | 284 | | 282 | 1843 | | |
| | 221 | | 223 | 1829 | | 285 | | 283 | " | | |
| | 222 | | 224 | " | Rep. 50 V. c. 29, s. 7. | | 286 | | 285 | 1844 | |
| | 223 | | 225 | " | | | 287 | | 286 | " | |
| | 224 | | 226 | " | | | 288 | | 287 | " | |
| | 225 | | | | | | 289 | | 288 | 1845 | |
| | 226 | 184 | 228 | 1830 | | | 290 | | 289 | " | |
| | 227 | | 229 | " | | | 291 | | 290 | " | |
| | 228 | | 230 | " | | | 292 | | 291 | " | |
| | 229 | | 231 | " | | | 293 | | 292 | 18 46 | |
| | 230 | | 232 | " | | | 294 (1,2) | | 293 (1,2) | " | |
| | 231 | | 233 | " | | | (3) | | | | |
| | 232 | | 234 | " | | | | | | Rep. 49 V. c. 37, s. 5. | |
| | 233 | | 235 | 1831 | | | | | | | |
| | 234 | | 236 (1) | " | | | | | | | |
| | 235 | | 237 | " | | | | | | | |

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| 18 | 295 | 184 | 294 | 1847 | | 18 | 358 | 184 | 356 | 1866 | |
| | 296 | | 295 | " | | | 359 | | 357 | 1867 | |
| | 297 | | 296 | " | | | 360 | | 358 | " | |
| | 298 | | 297 | " | | | 361 | | 359 | " | |
| | 299 | | 298 | " | | | 362 | | 360 | " | |
| | 300 | | 299 | " | | | 363 | | 361 | " | |
| | 301 | | 300 | 1848 | | | 364 | | 362 | " | |
| | 302 | | 301 | " | | | 365 | | 363 | 1868 | |
| | 303 | | 302 | " | | | 366 | | 364 | " | |
| | 304 | | 303 | " | | | 367 | | 365 | " | |
| | 305 | | 304 | 1849 | | | 368 | | | | { Rep. 47 V. c. 32, s. 8. |
| | 306 | | 305 | " | | | | | | | |
| | 307 | | 306 | " | | | | | | | { Rep. 50 V. c. 29, s. 16. |
| | 308 | | 307 | 1849 | | | 369 (1) | | | | |
| | 309 | | 308 | " | | | (2) | 184 | 367 (2) | 1869 | |
| | 310 | | 309 | 1850 | | | 370 | | 368 | " | |
| | 311 | { | 308 | 1849 | | | 371 | | 369 | " | |
| | 312 | | 309 | 1850 | | | 372 | | 370 | 1870 | |
| | 313 | | 310 | " | | | 373 | | 371 | " | |
| | 314 | | 311 | 1851 | | | 374 | | 372 | 1871 | |
| | 315 | | 312 | 1852 | | | 375 | | 373 | " | |
| | 316 | | 313 | " | | | 376 | | 374 | " | |
| | 317 | | 314 | 1853 | | | 377 | | | | { Rep. 47 V. c. 32, s. 9. |
| | 318 | | 315 | " | | | | | | | |
| | 319 | | 316 | " | | | 378 | 184 | 376 | 1872 | |
| | 320 | | 317 | 1854 | | | 379 | | 377 | " | |
| | 321 | | 318 | " | | | 380 | | 378 | " | |
| | 322 | | 319 | " | | | 381 | | 379 | 1873 | |
| | 323 | | 320 | " | | | 382 | | 380 | " | |
| | 324 | | 321 | 1855 | | | 383 | | 381 | " | |
| | 325 | | 322 | " | | | 384 | | 382 | 1874 | |
| | 326 | | 323 | " | | | 385 | | 383 | " | |
| | 327 | | 324 | 1856 | | | 386 | | 384 | " | |
| | 328 | | 325 | " | | | 387 | | 385 | 1875 | |
| | 329 | | 326 | " | | | 388 | | 386 | " | |
| | 330 | | 327 | " | | | 389 | | 387 | " | |
| | 331 | | 328 | " | | | 390 | | 388 | " | |
| | 332 | | 329 | 1857 | | | 391 | | 389 | " | |
| | 333 | | 330 | " | | | 392 | | 390 | 1876 | |
| | 334 | | 331 | " | | | 393 | | 391 | " | |
| | 335 | | 332 | " | | | 394 | | 392 | " | |
| | 336 | | 333 | 1858 | | | 395 | | 393 | " | |
| | 337 | | 334 | " | | | 396 | | 394 | 1877 | |
| | 338 | | 335 | " | | | 397 | | 395 | " | |
| | 339 | | 336 | " | | | 398 | | 396 (1) | " | |
| | 340 | | 337 | 1859 | | | 399 | | 397 | 1878 | |
| | 341 | | 338 | " | | | 400 | | 398 | " | |
| | 342 | | 339 | " | | | 401 | | 399 | " | |
| | 343 | | 340 | " | | | 402 | | 400 | " | |
| | 344 | | 341 (1) | 1861 | | | 403 | | 401 | 1879 | |
| | 345 | | 342 | " | | | 404 | | 402 | " | |
| | 346 | | 343 | 1862 | | | 405 | | 404 | " | |
| | 347 | | 344 (1,2) | " | | | 406 | | 405 | 1880 | |
| | 348 | | 345 | 1863 | | | 407 | | 406 | " | |
| | 349 | | 346 | " | | | 408 | | 407 | " | |
| | 350 | | 347 | " | | | 409 | | 408 | 1881 | |
| | 351 | | 348 | 1864 | | | 410 | | 409 | " | |
| | 352 | | 349 | " | | | 411 | | 410 | 1882 | |
| | 353 | | 350 | " | | | 412 | | 411 | " | |
| | 354 | | 351 | " | | | 413 | | 412 | " | |
| | 355 | | 352 | 1865 | | | 414 | | 413 | " | |
| | 356 | | 353 | " | | | 415 | | 414 | " | |
| | 357 | | 354 | " | | | 416 | | 415 | 1883 | |
| | | | 355 | 1866 | | | 417 | | 416 | " | |

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| 18 | 418 | 184 | 417 | 1883 | Rep. 50 V. c. S, Sched. Rep. 49 V. c. 37, s. 9. | 18 | 476 | | | { | Not consolidated. | | |
| | 419 | | 418 | 1884 | | | 477 | 184 | 476 | | | 1899 | |
| | 420 | | 419 | " | | | 478 | 242 | 5 | 2587 | Effete. | | |
| | 421 | | 420 | " | | | 479 | ..... | ..... | ..... |  |  |  |
| | 422 | | 421 | " | | | 480 | 184 | 477 (1) | 1899 | { | Unnecessary Sec c. 199, s. 4. Rep. 50 V. c. 29, s. 20. | |
| | 423 | | 422 | " | | | 481 | ..... | 478 | " | | | |
| | 424 | | 423 | 1885 | | | 482 (1-9) | 479 (1-9) | 1901 | { | Unnecessary Sec c. 199, s. 4. Rep. 50 V. c. 29, s. 20. | | |
| | 425 | | 424 | " | | | (10-15) | (10-15) | 1903 | | | | |
| | 426 | | 425 | " | | | (16) | | | { | Unnecessary Sec c. 199, s. 4. Rep. 50 V. c. 29, s. 20. | | |
| | 427 | | 426 | " | | | (17) | ..... | ..... |  |  |  |  |
| | 428 | | 427 | 1886 | | | (18-20) | 184 { | 479 (17-19) | 1904-5 | { | Unnecessary | |
| | 429 | | 428 | " | | | (21) | ..... | 521 (12) | 1944 | | | |
| | 430 | | 429 | 1887 | | | (22) | | 479 (20) | 1905 | { | Unnecessary | |
| | 431 | | 430 | 1888 | | | (23) | ..... | ..... | ..... |  |  |  |
| | 432 | | 431 | " | | | (24) | 184 | 479 (21) | 1905 | { | Unnecessary | |
| | 433 | | (1) | 432 |  |  | ..... | ..... | 480 (1) | 1906 | | | |
| | | | (2) | 30 | | | 792 | | 481 | 1907 | { | Unnecessary | |
| | | (3) | 25 | 791 |  |  | ..... | 482 | " | | | | |
| | | (4) | 28 | " | | | | 483 | " | { | Unnecessary | | |
| | | (5) | 26 | " |  |  | ..... | 484 | " | | | | |
| | 434 | | 433 | 1889 | | | | 485 | " | { | Unnecessary | | |
| | 435 | | 434 | " |  |  | ..... | 486 | " | | | | |
| | 436 | (1) | | | | | | 487 | " | { | Unnecessary | | |
| | | (2) | 184 | 435 (4) | | | 1890 | 488 | 1908 | | | | |
| | 437 | | | | | | | 489 | " | { | Unnecessary | | |
| | 438 | 184 | 437 | 1890 | | | | 490 (1) | 489 (1 a) | | | 1910 | |
| | 439 | | 438 | " | | | | (2) | (2) | 1911 | { | Unnecessary | |
| | 440 | | 439 | 1891 |  |  | ..... | (3-9) | 6-11 a | 1911 3 | | | |
| | 441 | | 440 | " | | | | (10-21) | (13-24) | 1914-5 | { | Unnecessary | |
| | 442 | | 441 | " |  |  | ..... | (22) | (25) | 1915 | | | |
| | 443 | | 442 | " | | | | (23-31) | (27-35) | 1916 | { | Unnecessary | |
| | 444 | | 443 | " |  |  | ..... | (32) | (26) | " | | | |
| | 445 | | 444 | " | | | | (33-37) | (36-40) | 1917 | { | Unnecessary | |
| | 446 | | 445 | 1892 |  |  | ..... | (38) | (56) | 1919 | | | |
| | 447 | | 446 | " | | | | 491 | 491 | 1920 | { | Unnecessary | |
| | 448 | | 449 | " |  |  | ..... | 492 | 490 | 1919 | | | |
| | 449 | | 450 | 1893 | | | | 493 | | | { | Unnecessary | |
| | 450 | | 451 | " | | | | 494 | 184 | 494 | | | 1921 |
| | 451 | | 452 | " | | | | 495 (1,2) | | 495 (1,2) | 1922 | { | Unnecessary |
| | 452 | | 453 | " | | | | (3) | | (3) | " | | |
| | 453 | | 454 | 1894 | | | | (4) | | (4) | 1923 | { | Unnecessary |
| | 454 | | 455 | " | | | | (5-11) | | (5-11) | 1924 | | |
| | 455 | | 456 | " | | | | 496 (1st part.) | | 496 | 1926 | { | Unnecessary |
| | 456 | | 457 | " | | | | (1) | | | | | |
| | 457 | | 458 | " | | | | (2) | 184 | 489 (3) | 1911 | { | Unnecessary |
| | 458 | | 459 | " | | | | (3,4) | | | | | |
| | 459 | | 460 | " | | | | (5) | 184 | 496 (2) | 1926 | { | Unnecessary |
| 460 | | 461 | 1895 | ..... | (6-8) | ..... | ..... | ..... |  |  |  |  |  |
| 461 | | 462 | " | ..... | (9-12) | 184 | 496 (3-6) | 1926 | { | Unnecessary | | | |
| 462 | | 463 | 1896 | ..... | (13) | ..... | 489 (55) | 1919 | | | | | |
| 463 | | 464 | " | ..... | (14-16) | ..... | 496 (7-9) | 1926 | { | Unnecessary | | | |
| 464 | | 465 | " | ..... | (17-31) | ..... | (11-25) | 1927 | | | | | |
| 465 | | 466 | " | ..... | (32-35) | ..... | 27-30) | 1929 | { | Unnecessary | | | |
| 466 | | 1 | 444 | ..... | (36) | ..... | (31) | " | | | | | |
| 467 | 43 | 467 | 1897 | ..... | (37,38) | ..... | 31-33) | 1930 | { | Unnecessary | | | |
| 468 | 184 | 468 | " | ..... | (39-41) | ..... | ..... | ..... |  |  |  |  |  |
| 469 | | 469 | " | ..... | ..... | ..... | ..... | ..... | { | Unnecessary | | | |
| 470 | | 470 | " | ..... | ..... | ..... | ..... | ..... |  |  |  |  |  |
| 471 | | 471 | " | ..... | ..... | ..... | ..... | ..... | { | Unnecessary | | | |
| 472 | | 472 | 1898 | ..... | ..... | ..... | ..... | ..... |  |  |  |  |  |
| 473 | | 473 (1) | 1898 | | | | | | { | Unnecessary | | | |
| 474 | | 474 | " | | | | | | | | | | |
| 475 | | 475 | 1899 | | | | | | { | Unnecessary | | | |
| | | | | | | | | | | | | | |

| 46 VICT. 1883. | | | | | | 46 VICT. 1883. | | | | | |
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| 18 | 496 (42) | 184 | 496 (34) | 1930 | { Rep. 50 V. c. 29, s. 27. | 18 | 532 | 184 | 532 | 1949 | { Rep. 48 V. c. 39, s. 22. |
| | (43) | | (35) | 1931 | | | 533 | | 533 | " | |
| | (44) | | | | | | 534 | | 534 | " | |
| | (45) | | | | { Rep. 47 V. c. 32, s. 14. | | 535 | | | | { Rep. 48 V. c. 39, s. 22. |
| | (46-48) | 184 | (38-40) | 1931 | { Rep. 47 V. c. 32, s. 13. | | 536 | 184 | 536 | 1950 | |
| | (49) | | | | | | 537 | | 537 | " | |
| | (50) | | | | { Unnecessary See c. 189. | | 538 | | 538 | " | { Rep. 48 V. c. 39, s. 22. |
| 497 | | 184 | 497 | 1932 | { Rep. 47 V. c. 32, s. 13. | | 539 | | 539 | 1951 | |
| 498 | | | 498 | 1933 | | | 540 | | 540 | 1951 | |
| 499 | | | 499 | 1934 | | | 541 | | 541 | " | { Rep. 48 V. a. 39, s. 23. |
| 500 | | | 500 | " | { Rep. 47 V. c. 32, s. 16. | | 542 | | 542 | " | |
| 501 | | | 501 | 1935 | | | 543 | | 543 | " | |
| 502 | | | 502 | " | { Rep. 47 V. c. 32, s. 16. | | 544 | (1) | 544 | 1952 | { Rep. 47 V. c. 32, s. 18. |
| 503 (1-3) | | | 503 (1-3) | " | | | 545 | | 545 | " | |
| (4) | | | 489 (51) | 1918 | { Rep. 47 V. c. 32, s. 16. | | 546 | | 546 (1-4) | " | |
| (5,6) | | | 503 (4,5) | 1935 | | | 547 | | 547 | 1953 | { Rep. 47 V. c. 32, s. 18. |
| (7) | | | (6) | 1936 | | | 548 | | 548 | 1954 | |
| (8) | | | (7) | " | { Rep. 47 V. c. 32, s. 16. | | 549 | | 549 | " | |
| (9) | | | (8) | " | | | 550 (1-7) | | 550 (1-7) | { 1955 1956 | { Rep. 48 V. a. 39, s. 23. |
| (10-12) | | | (9-11) | " | | | (8) | | | | |
| (13) | | | { 489 (52) 503 (12) | 1918 1936 | { Rep. 50 V. c. 29, s. 30. | | (9) | 184 | 550 (9) | 1956 | |
| 504 (1) | | | | | | | 551 | | 551 | 1957 | { Rep. 48 V. a. 39, s. 23. |
| (2-5) | 184 | 504 (2-5) | 1937 | | | | 552 | | 552 | " | |
| (6) | | | | | { Rep. 47 V. c. 32, s. 16. | | 553 | | 553 | " | |
| (7-13) | 184 | { 504(6-12) (13) | 1937 1938 | | | | 554 | | 554 | 1958 | { Rep. 48 V. a. 39, s. 23. |
| (14) | | | | | | | 555 | | 555 | " | |
| 505 | | | 505 | " | { Rep. 47 V. c. 32, s. 16. | | 556 | | 556 | " | |
| 506 | | | 506 | " | | | 557 | | 557 | " | { Rep. 48 V. a. 39, s. 23. |
| 507 | | | 507 | 1939 | | | 558 | | 558 | 1959 | |
| 508 | | | 508 | " | { Rep. 47 V. c. 32, s. 16. | | 559 | | 559 | " | |
| 509 | | | 509 | " | | | 560 | | 560 | " | { Rep. 48 V. a. 39, s. 23. |
| 510 | | | 510 | " | | | 561 | | 561 | " | |
| 511 | | | 511 (1-2) | 1940 | { Rep. 47 V. c. 32, s. 16. | | 562 | | 562 | " | |
| 512 | | | 512 | 1941 | | | 563 | | 563 | " | { Rep. 48 V. a. 39, s. 23. |
| 513 | | | 513 | " | | | 564 | | 564 | 1960 | |
| 514 | | | 514 | " | { Rep. 47 V. c. 32, s. 16. | | 565 | | 566 (1-6) | 1961-2 | { Rep. 48 V. a. 39, s. 23. |
| 515 | | | 515 | " | | | 566 | | 567 | 1963 | |
| 516 | | | 516 | " | | | 567 | | 565 | 1960 | |
| 517 | | | 517 | " | { Rep. 47 V. c. 32, s. 16. | | 568 | | 568 | 1964 | { Rep. 48 V. a. 39, s. 23. |
| 518 | | | 518 | 1942 | | | 569 | | 568 | " | |
| 519 | | | 519 | " | | | 570 | | { 569(1-16) 16) | 1965-9 | |
| 520 | | | 520 | " | { Rep. 47 V. c. 32, s. 16. | | 571 | | 570 (1,2) | 1970-2 | { Rep. 48 V. a. 39, s. 23. |
| 521 (1-6) | | | 521 (1-6) | { 1942 1943 | | | 572 | { 37 184 | Sch. B. | 389 | |
| (7-8) | | | (9-10) | 1943 | | | 573 | | 571 | 1972 | |
| (9-11) | | | (16-18) | 1945 | { Sup. 48 V. c. 23, s. 2 (3). | | 574 | | 572 | 1973 | { Rep. 47 V. c. 32, s. 18. |
| 522 | | | 522 (1) | " | | | 575 | | 573 | " | |
| 523 | | | | | | | 576 | | 574 | " | |
| 524 | | | 524 | 1946 | { Sup. 48 V. c. 23, s. 2 (3). | | 577 | | 575 | " | { Rep. 47 V. c. 32, s. 18. |
| 525 | | 184 | 525 | 1947 | | | 578 | | 576 | 1974 | |
| 526 | | | 526 | " | | | 579 | | 577 | " | |
| 527 | | | 527 | " | { Sup. 48 V. c. 23, s. 2 (3). | | 580 | | 578 | " | { Rep. 47 V. c. 32, s. 18. |
| 528 | | | 528 | " | | | 581 | | 579 | " | |
| 529 | | | 529 | " | | | 582 (1-3) | | 580 | " | |
| 530 | | | 530 | 1948 | { Sup. 48 V. c. 23, s. 2 (3). | | (4) | | 581 | 1975 | { Rep. 47 V. c. 32, s. 18. |
| 531 | | | 531 (1,2) | " | | | 583 | 184 | 582 | 1975 | |
| | | | | | | | 584 (1) | | 583 (1) | " | |
| | | | | | { Sup. 48 V. c. 23, s. 2 (3). | | (2) | | | | { Rep. 47 V. c. 32, s. 18. |
| | | | | | | | | | | | |
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| 18 | 585 | 184 | 584 | 1976 | { Sup. 50 V. c. 29, s. 41. | 18 | 637 | 184 | 643 | 2002 | { Sup. 47 V. c. 38, s. 12 (1,2). |
| | 586 | | 585 | " | | | 638 | | 644 | " | |
| | 587 (1,2) | | 586 (1,2) | 1977 | | | 639 | | 645 | 2003 | |
| | (3) | | | " | | | 640 | | 646 | " | |
| | 588 | 184 | 588 (1,2) | 1978 | | | 641 | | 647 | " | |
| | 589 | | 589 | " | | | 642 | | 648 | " | |
| | 590 | | 590 | 1979 | | | 643 | | 649 | " | |
| | 591 | | 591 | " | | | 644 | | 650 | " | |
| | 592 | | | " | | | 645 | | 651 | " | |
| | | | | " | | | 646 | | 652 | " | |
| | 593 | | | " | { Rep. 49 V. c. 37, s. 31. Rep. 48 V. c. 39, s. 28. | | 647 | | 653 | 2004 | { Repealing clause. |
| | | | | " | | | 648 | | 654 | " | |
| | 594 | 184 | 594 | 1980 | | | 649 | | 655 | " | |
| | 595 | | 595 | " | | | 650 | | 656 | " | |
| | 596 | | 596 | " | | | 651 | | 657 | " | |
| | 597 | | 597 | 1981 | | | 652 | | 658 | " | |
| | 598 | | 598 | " | | | 653 | | 659 | " | |
| | 599 | | 599 | " | | | 654 | | 660 | 2005 | |
| | 600 | | 600 | " | | | 655 | | 661 | " | |
| | 601 | | 601 | 1982 | | | 656 | | 662 | " | |
| | 602 | | 602 | " | { Sup. 50 V. c. 29, s. 48. Rep. 47 V. c. 32, s. 20. | | 657 | | 663 | " | { Repealing clause. |
| | 603 | | 603 | 1983 | | | 658 | | 664 | " | |
| | 604 | | 604 | 1984 | | | 659 | | 665 | 2006 | |
| | 605 | | 605 | " | | | 660 | | 666 | " | |
| | 606 | | 606 | " | | | 661 | | | | |
| | 607 | | 607 | " | | | 662 | 184 | 667 | 2006 | |
| | 608 | | 608 | 1985 | | | 663 | | 668 | 2007 | |
| | 609 | | 609 | " | | | 664 | | 669 | 2008 | |
| | 610 | | 610 | " | | | 665 | | 670 | " | |
| | 611 | | 611 | " | | | 666 | | 671 | " | |
| | 612 part | | | " | { Rep. 47 V. c. 32, s. 21. | | 667 | | 672 | 2009 | |
| | (1) | | | " | | | 668 | | | | |
| | (2-7) | 184 | 612 (2-7) | 1986-7 | | Scheds. | 184 | Scheds. | 2009 | | |
| | (8) | | | " | | | | | | | |
| | 613 | 184 | 614 | 1988 | { Rep. 50 V. c. 29, s. 42. | 19 | 1 | | | | Short title. |
| | 614 | | 617 | 1989 | | | 2 | 189 | 11 | 2049 | |
| | 615 | | | " | | | 3 | | 2 (4) | 2045 | |
| | | | | " | | | 4 | | (5) | " | |
| | 616 | 184 | 620 | 1990 | | | | | | | |
| | 617 | | 621 | 1991 | | 20 | 1 | 190 | 1 | 2052 | |
| | 618 | | 622 | 1992 | | | 2 | | 2 | " | |
| | 619 | | 624 | 1994 | | | 3 | | 3 | 2053 | |
| | 620 | | 625 (1,2) | " | | | 4 | | 4 | " | |
| | 621 | | 626 | 1995 | | | 5 | | 5 | " | |
| | 622 | | 627 | " | | | 6 | | 6 | " | |
| | 623 | | 628 | 1996 | | | 7 | | 7 | 2055 | |
| | 624 | | 629 (1,2) | " | | | 8 | | 8 | " | |
| | 625 | | 631 | 1998 | | | 9 | | 9 | " | |
| | 626 | | 632 | " | | | 10 | | 10 | " | |
| | 627 | | 633 (1, 6) | " | | | 11 | | 11 | " | |
| | 628 | | 634 | 2000 | | | 12 | | 12 | 2056 | |
| | 629 | | 635 | " | | | 13 | | 13 | " | |
| | 630 | | 636 | 2001 | | | 14 | | 14 | " | |
| | 631 | | 637 | " | | | 15 | | 15 | 2057 | |
| | 632 | | 638 | " | | | 16 | | 16 (1) | " | |
| | 633 | | 639 | 2002 | | | 17 | | 17 | " | |
| | 634 | | 640 | " | | | 18 | | 18 | 2059 | |
| | 635 | | 641 | " | | | 19 | | 19 | 2060 | |
| | 636 | | 642 | " | | | 20 | | 20 | " | |

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| 20 | 21 22 23 Sched. | 190 | 21 22 23 Sched. | 2060 " " 2061 | And <i>see</i> c. 184, s. 496(1). | 26 | 9 10 | 201 10 | 8 2247 2248 | | | | | |
| 21 | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 | 191 | 1 2 3 4 5 6 8 9 10 12 13 11 14 | 2063 " " 2064 " " 2065 " " 2066 " " " " | | 27 | 1 2 3 4 5 6 7 8 9 10 11 (1-4) (5) | 220 1 3 4 (1) 2 (1) 5 6 7 8 (1) 9 (1) 10 11 (1-4) (6) | 2360 " " " 2362 " 2363 " 2364 " 2365 2366 2367 | | | | | |
| | | | | | | 15 | | | | | | Rep. 47 V. c. 43, s. 2. | | |
| 22 | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 Form A | 193 | 102 103 104 105 106 107 108 109 110 111 112 114 115 116 117 118 110 | 2123 " " " " 2124 " " " " " 2125 " " " " 2124 | | Repealing clause. | 28 | 1 2 3 4 5 6 7 8 9 | 246 1 (1,2) 2 5 6, 7 24 (1) 8 11 9 (1, 2) | | 2610 2611 2612 2615 2616 2612 2613 2612-3 | Unnecessary | | |
| | | | | | | | 10 | | | | | | | Unnecessary |
| 23 | 1 2 | 185 | 24 (1) 25 | 2025 " | | | | | | | | | | See c. 246, ss. 97-107. |
| 24 | 1 2 | 193 | 78 89 | 2116 2120 | | | | | | | | | | Effete. |
| 25 | 1 | 194 | 16 (2) | 2169 | | | | | | | | | | Repealing clause. |
| 26 | 1 2 3 4 (1-3) (1) | 201 | 1 2 2 3 (1-3) | 2246 " 2246 " | | | Repeals R.S. O. 1877, c. 187 | 29 | | | | | | Sup. 47 V. c. 46, ss. 5-7, 30. |
| | | | | | | | | 30 | 1 2 3 (1) (2) (3) | | 250 4 5 6 7 (1) | | 2650 " 2651 " " " | |
| | 5 6 7 8 | 201 | 4 5 6 7 | 2247 " " " | | | | | 4 5 6 | | 8 29 31 | | 2595 2596 | |

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| | 3 | 5 | 1 (47) | 34 | |
| | | 7 | 15 (82) | 59 | |
| | 4 | 5 | 1 (33) | 27 | |
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| | | | (47) | " | |
| | | | (49) | 35 | |
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| | | | (82) | " | |
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| | 3 | | 156 | 141 | |
| | 4 | | 160 | 142 | |
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| | 19 | | 93 | 122 | |
| | 20 | | 185 | 150 | |
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| | (8) | | 119 | 130 | { |
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| | 27 | | 163 | 142 | |
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| | (16) | | | | |
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| | 14 | 52 | 160 | 653 | | 16 | 1 | 102 | 30 | 925 | | | |
| | | | 160 | " | | | | | 31 | 926 | | | |
| | | | 11 | 835 | | | | | | | | | |
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| 22 | 16 | " | | | | | | | | | | | |
| | | | 23 | 17 | " | | | | | | | | |
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| 25 | 19 | " | | | | | | | | | | | |
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| 37 | 3 | 1270 | | | | | | | | | | | |
| | | | 38 | 4 | " | | | | | | | | |
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| | | | | 465 | " | | | | | | | | |
| 466 | " | | | | | | | | | | | | |
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| | 14 | | 14 | " | | | (3, 4) | { 48 | 12 (2, 3) | 517 | |
| | 15 | | 15 | " | | | | { 50 | 76 (2, 3) | 538 | |
| | 16 | | 16 | 341 | | 26 | | 46 | 24 | 500 | |
| | 17 | | 17 | " | | 27 | | | | | |
| | 18 | | 18 | " | | | | 83 | 11 | 835 | |
| | 19 | | 19 | " | | | | | Schd. | | |
| | 20 | | 20 | " | | | | | Shffs. | | |
| | 21 | | 21 | 342 | | | | | (39-41) | | |
| | 22 | | 22 | " | | 28 | { | 86 | Schd. | { 838 | |
| | 23 | | 23 | " | | | | | Shffs. | | |
| | 24 | | 24 | " | | | | (34-36) | | | |
| | 25 | | 25 | " | | | | | | | |
| | 26 | | 26 | " | | 29 | 91 | 17 | 872 | | |
| | 27 | | 27 | 343 | | 30 | 71 | 8 | 782 | | |
| | 28 | | 28 | " | | 31 | { 22 | 15 | 276 | | |
| | 29 | | 29 | " | | | { 44 | 145 | 489 | | |
| | 30 | | 30 | 344 | | 32 | 83 | 13 | 836 | | |
| | 31 | | 31 | 345 | | 33 | 71 | 14 | 784 | | |
| | 32 | | 32 | " | | 34 | 78 | Sch. (8) | 815 | C. R. 1152. | |
| | 33 | | 33 | " | | | | | | | |
| 10 | 1 | 38 | 3 | 391 | | | | | | | |
| | 2 | | 6 | " | | | | | | | |
| | 3 | | 2 | 390 | | 14 | 1 | 51 | 176 | 580 | |
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| 11 | 1 | 233 | 9 | 2536 | | | 3 | | 110 | 564 | |

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| | (8) | 51 | 160 | 576 | | | 9 | 72 | 888 | | | | | |
| | 5 | | 269 (3) | 601 | | | 10 | 16(2, 3) | 872 | | | | | |
| | 6 | | 148 (2) | 573 | | | 11, 12 | | | | | | | |
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| | 9 | | 39 | 547 | | | | | | | | | | |
| | 10 | | 119 | 567 | | | | | | | | | | |
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| | 12 | | 10 (3) | 542 | | | | | | | | | | |
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| 16 | 1 | 153 | 3 | 1418 | 4 | 4 | | | " | | | | | |
| | 2 | 27 | 11 | 308 | 5 | 5 | | | " | | | | | |
| | | 153 | 4 | 1418 | 6 | 6 | | | 1089 | | | | | |
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| | | 153 | 6 | 1419 | 8 | 10 | | | 1090 | | | | | |
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| | | | | | 12 | 14 (1-3) | | | " | | | | | |
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| 17 | 1 | 72 | 8 (1) | 787 | 14 | 16 | | | " | | | | | |
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| | 4 | { | 17 | " | 17 | 19 | " | | | | | | | |
| | | | 19 | 790 | 18 | 20 | 1093 | | | | | | | |
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| | | | | 4 | 298 | 39 | " | | | | | | | |
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| | 1 | 91 | 35 (1) | 876 | 42 | 42 | " | | | | | | | |
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| | 82 | | 82 | " | | | 2 (1,2) | { | 122 | 21 (1) | | 1194 |
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| | 10 | | 10 | " | | | 2 | 178 | 4 | 1725 | | | |
| | 11 | | 11 (1) | " | | | | | | | | | |
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| | 13 | | 13 (1-3) | " | | | | | | | | | |
| | 14 | | 14 | 1203 | | 33 | 1 | 156 | 40 | 1441 | | | |
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| 27 | 1 | 125 | 25 | 1213 | { Not consoli- dated. Short title. | 34 | 1 | 162 | 2 (1) | 1527 | | | |
| | 2 (1) | | 24 | " | | | 2 | | | (2) | | 1528 | |
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| | 3 | | | | | | | | | | | | |
| 28 | 1 | 136 | 7 | 1271 | | 35 | } | | | | { Rep. 50 V.c. 26, s. 154 (2) and Sched. | | |
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| 29 | 1 | 127 | 1 | 1227 | | 37 | | | | | { Not consoli- dated. | | |
| | 2 | | 2 | " | | | | | | | | | |
| | 3 | | 3 | " | | | 38 | 1-5 | 184 | 489 (2) | | 1913 | |
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| | 2 | | | | | | 2 | 184 | 56 | | | 1777 | |
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| | | | | | | | 8 | | 268 | 1838 | | | |
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| | | | | | | | 13 | | 466 | 1896 | | | |
| | | | | | | | 14 | | 511 (3) | 1940 | | | |
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| | 71 | | 71 | " | | | 127 | | 126 | " | |
| | 72 | | 72 | " | | | 128 | | 127 | " | |
| | 73 | | 73 | 2403 | { Rep. 50 V. c. 39, s. 13. | | 129 | | 128 | " | { Rep. 50 V. c. 39, s. 24. |
| | 74 (1) | | 74 | " | | | 130 | | 129 | " | |
| | (2) | | | | | | 131 | | 130 | 2422 | |
| | 75 | 225 | 75 | 2403 | | | 132 | | 131 | " | |
| | 76 | | 76 | " | | | 133 | | 132 | " | |
| | 77 | | 77 | " | { Rep. 50 V. c. 39, s. 13. | | 134 | | 133 (1) | " | { Rep. 50 V. c. 39, s. 24. |
| | 78 | | 78 | 2404 | | | 135 | | 134 | 2423 | |
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| | 147 | | 146 | " | | | 209 | | 208 | " | | |
| | 148 | | 147 | " | | | 210 | | 209 | " | | |
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| | 150 | | 149 | 2426 | | | 212 | | 211 | 2439 | | |
| | 151 | | 150 | " | | | 213 | | 212 | " | | |
| | 152 | | 151 | " | | | 214 | | 213 | " | | |
| | 153 | | 152 | " | | | 215 | | 214 | " | | |
| | 154 | | 153 | 2426-7 | | | 216 | | 215 | 2440 | | |
| | | | { (1-10) } | | | | 217 | | 216 | " | | |
| | 155 | | 154 | 2427 | | | 218 | | 217 | " | | |
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| | 157 | | 156 | " | | | 220 | | 219 | 2441 | | |
| | 158 | | 157 | " | | | 221 | | 220 | " | | |
| | 159 | | 158 | " | | | 222 | | 221 | " | | |
| | 160 | | 159 | " | | | 223 | | 222 | " | | |
| | 161 | | 160 | " | | | 224 | | 223 | " | | |
| | 162 | | 161 | " | | | 225 | | 221 | " | | |
| | 163 | | 162 | 2429 | | | 226 | | 225 | " | | |
| | 164 | | 163 | " | | | 227 | | 226 | " | | |
| | 165 | | 164 | " | | | 228 | | 227 | 2442 | | |
| | 166 | | 165 | " | | | 229 | | 228 | " | | |
| | 167 | | 166 | 2430 | | | 230 | | 229 | " | | |
| | 168 | | 167 | " | | | 231 | | 230 | " | | |
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| | 176 | | 175 | " | | | 239 | | 238 | " | | |
| | 177 | | 176 | " | | | 240 | | 239 | " | | |
| | 178 | | 177 | 2432 | | | 241 | | 240 | " | | |
| | 179 | | 178 | " | | | 242 | | 241 | 2444 | | |
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| | 183 | | 182 | 2433 | | | 246 | 225 | 245 | | 2444 | |
| | 184 | | 183 | " | | | 247 | | 246 | | " | |
| | 185 | | 184 | 2434 | | | 248 | | 247 | | " | |
| | 186 | | 185 | " | | | 249 | | 248 | | 2445 | |
| | 187 | | 186 | " | | | 250 | | 249 | | " | |
| | 188 | | 187 | " | | | 251 | | 250 | | " | |
| | 189 | | 188 | 2135 | | | 252 | | 251 | | " | |
| | 190 | | 189 | " | | | 253 | | 252 | | " | |
| | 191 | | 190 (1) | " | | | 254 | | 253 | | " | |
| | 192 | | 191 | " | | | 255 | | 254 | 2446 | | |
| | 193 | | 192 | " | | | 256 | | 255 | " | | |
| | 194 | | 193 | " | | | 257 | | 256 | " | | |
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| | 196 | | 195 | " | | | 259 | | 258 | " | | |
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| | 266 | | 265 | " | | | 51 | | 51 | " | |
| | 267 | | 266 | " | | | 52 | | 52 | " | |
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| | 270 | | 269 | " | | | 55 | | 55 | " | |
| | 271 | | 270 | " | | | 56 | | 56 | " | |
| | 272 | | | | | | 57 | | 57 | 2465 | |
| | 273 | | | | | | 58 | | 58 | " | |
| | 274 | | | | | | 59 | | 59 | " | |
| | 275 | | | | | | | | | | |
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| 50 | 1 | 226 | 1 | 2451 | | 52 | 1 | 244 | 1 | 2588 | |
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| | 3 | | 3 | " | | | " | | " | | |
| | 4 | | 4 | " | | | " | | " | | |
| | 5 | | 5 | 2452 | | | " | | " | | |
| | 6 | | 6 | " | | | " | | " | | |
| | 7 | | 7 | " | | | " | | " | | |
| | 8 | | 8 | " | | | " | | " | | |
| | 9 | | 9 | " | | | " | | " | | |
| | 10 | | 10 (1) | " | | | " | | " | | |
| | 11 | | 11 | 2453 | | | " | | " | | |
| | 12 | | 12 | " | | | " | | " | | |
| | 13 | | 13 | " | | | " | | " | | |
| | 14 | | 14 | 2454 | | | " | | " | | |
| | 15 | | 15 | " | | | " | | " | | |
| | 16 | | 16 | " | | | " | | " | | |
| | 17 | | 17 | " | | | " | | " | | |
| | 18 | | 18 | " | | | " | | " | | |
| | 19 | | 19 | " | | | " | | " | | |
| | 20 | | 20 | 2455 | | | " | | " | | |
| | 21 | | 21 | " | | | " | | " | | |
| | 22 | | 22 | " | | | " | | " | | |
| | 23 | | 23 | " | | | " | | " | | |
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| | 25 | | 25 | " | | | " | | " | | |
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| | 27 | | 27 | " | | | " | | " | | |
| | 28 | | 28 | " | | | " | | " | | |
| | 29 | | 29 | 2458 | | | " | | " | | |
| | 30 | | 30 | " | | | " | | " | | |
| | 31 | | 31 | " | | | " | | " | | |
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| | 33 | | 33 | " | | | " | | " | | |
| | 34 | | 34 | 2459 | | | " | | " | | |
| | 35 | | 35 (1-3) | " | | | " | | " | | |
| | 36 | | 36 | 2460 | | | " | | " | | |
| | 37 | | 37 | 2461 | | | " | | " | | |
| | 38 | | 38 | " | | | " | | " | | |
| | 39 | | 39 | " | | | " | | " | | |
| | 40 | | 40 | " | | | " | | " | | |
| | 41 | | 41 | " | | | " | | " | | |
| | 42 | | 42 | " | | | " | | " | | |
| | 43 | | 43 | 2462 | | | " | | " | | |
| | 44 | | 44 | " | | | " | | " | | |
| | 45 | | 45 | " | | | " | | " | | |
| | 46 | | 46 | " | | | " | | " | | |

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| | | 3 | 6 | 8 | 42 | |
| | | 4 | | 12 | " | |
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| | | 7 | | 18 | " | |
| | | 8 | | 19 | 44 | |
| 3 | 9 | | 23 | " | { Repeals 48 V. c. 2, s. 9. Effete. | |
| | 1 | 9 | 2 (6) | 93 | | |
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| 4 | 5 | 21 | 5 | 268 | Unnecessary Effete. < | | | | | | |

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| 11 | 76 | 39 | 76 | 419 | { Repealing clause. | 16 | 16 | 61 | 24 | 716 | { C. R. 1236. |
| | 77 | | 77 | " | | | 17 | | | | |
| | 78 | | 78 | " | | | 18 | 71 | 2 | 781 | |
| | 79 | | 79 | " | | | 19 | 72 | 27 | 791 | |
| | 80 | | 80 | 420 | | | 20 | 74 | 2 | 799 | |
| | 81 | | 81 | " | | | 21 | 76 | 7 | 811 | |
| | 82 | | 82 | 421 | | | 22 | 91 | 34 | 876 | |
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| | 84 | | 84 | " | | | 24 | | 29 | 1006 | |
| | 85 | | 85 | " | | | 25 | (1) 182 | 1 | 1729 | |
| | 86 | | 86 | 422 | | | (2) | | 2 | " | |
| | 87 | | | | | | 26 | | 114 | 25 | 1046 |
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| 12 | 1 | 44 | 130 (2) | 484 | | | 30 | 114 | 87 | 1063 | |
| 13 | 1 | 47 | 6 (2) | 503 | | | 31 | 142 | 8 (2) | 1306 | |
| 14 | 1 | 50 | 12 (2) | 522 | | | 32 | 157 | 19 | 1448 | Part effete. |
| 15 | 1 | 51 | 13 | 542 | | | 33 | 166 | 8 | 1559 | |
| | 2 | | 15 | 543 | | | 34 | | | | { Repealing clause. |
| | 3 | | 16 | " | | | 35 | 65 { | 4(1, 2) | 739 | |
| | 4 | | 19 | 544 | | | | 26 | | 747 | |
| | 5 | | 45 | 548 | | | 36 | | 22 | 745 | |
| | 6 | | 70(3, 4) | 554 | | | 37 | | 24 | 746 | |
| | 7 | | 94 (2) | 560 | | | | { 44 | 52(2-4) | 458-9 | |
| | 8 | | 103 | 562 | | | 38 | { 47 | 21 | 507 | |
| | 9 | | 131 | 569 | | | | { 51 | 73 | 555 | |
| | 10 | | 134 | 570 | | | 39 | 44 | 69 | 468 | |
| | 11 | | 177 | 580 | | | 40 | | 141 | 488 | |
| | 12 | | 188(2, 3) | 583-4 | | | 41 | | 146 | 490 | |
| | 13 | | 200 | 586 | | | 42 | | | | C. R. 1163. |
| | 14 | | 258 | 598 | | | 43 | 125 | 24(1, 2) | 1213 | |
| | 15 | | 263, 264 | 599 | | | 44 | 83 | 12 (3) | 835 | |
| | 16 | | 265 | 600 | | | 45 | (1) 116 | 17 | 1091 | |
| | 17 | | 269 (4) | 601 | | | (2) | | 58(1, 2) | 1105 | |
| | 18 | | 137 | 571 | | | (3) | | 78 | 1110 | |
| | 19 | | 138 | " | | | 46 | | 55 (1) | 1104 | |
| | 20 | | 113 | 566 | | | 47 | | | | Unnecessary |
| | 21 | | 108 | 563 | | | 48 | 120 | 23 (5) | 1180 | |
| | 22 | | | | Effete. | | 49 | 225 | 87, 88 | 2408 | |
| | 23 | | | | Short title. | 17 | 1 | 77 | 1 | 812 | |
| 16 | 1 | | | | Short title. | | 2 | | 2 | " | |
| | 2 | 46 | 3 | 496 | | | 3 | | 3 | " | |
| | 3 | 1 | 9 | 9 | | | 4 | | 4 | " | |
| | 4 | 5 | 7 | 38 | | | 5 | | 5 | " | |
| | 5 | 8 | 3 | 61 | | | 6 | | 6 | 813 | |
| | 6 | 10 | 34 | 180 | | | 7 | | 7 | " | |
| | 7 | 15 | 9(2, 3) | 228-9 | | | 8 | | 8 | " | |
| | 8 | 44 | 32(2-5) | 451 | | | 9 | | 9 | " | |
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| | 10 | 48 | 11 (3) | 517 | | 18 | 1 | 85 | 1 | 848 | |
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| | 13 | | | | { C. R. 1156, | | 4 | | 4 | " | |
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| 14 | 59 | 8 | 705 | | | | 6 | | 6 | " | |
| 15 | | | | | { Repealing clause. | | 7 | | 7 | " | |
| | | | | | | | 8 | | 8 | " | |
| | | | | | | | 9 | | 9 | " | |
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| | 12 | | | | | | 2, 3 | | Sch. B. | 962 | |
| | Sched. | 85 | Sched. | 850 | | 22 | 1 | 108 | 1 | 975 | |
| 19 | 1 | 5 | 1 | (44) 31 | { Not consoli- dated. Effete. | | 2 | | 2 | " | |
| | | | | (45) 33 | | | 3 | | 3 | " | |
| | | 7 | 15 | (79) 59 | | | 4 (1-4) | | 4 | 976 | |
| | | | | (80) " | | | (5) | 50 | 64, 65 | 535 | |
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| | 4 | | | | | | 6 | | 6 | " | |
| | 5 | 185 | 24 | (2) 2025 | | | 7 | | 7 | " | |
| | 6 | 8 | 18 | 69 | | | 8 | | 8 | " | |
| | 7 | 91 | 43 | 878 | | | 9 | | 9 | " | |
| 20 | 8 | | | | Effete. | 23 | 1 | 113 | 49 | (1) 1037 | { Rep. 50 V. c. 7, s. 13 (4). |
| | 1 | | | | Short title. Effete. | | 2 | | (2) | " | |
| | 2 | | | | | | 3 | | 6 | (2) 1028 | |
| | 3 | (1) | 100 | 1 | (5) 905 | | 4 | | 49 | (3) 1037 | |
| | | | 102 | 1 | (1) 916 | | 5 | | 26 | (1 f) 1032 | |
| | (2) | 100 | 1 | (1) 904 | | 6 | | 6 | (2) 1028 | | |
| | | 102 | 1 | (2) 817 | | | 26 | (1 c-f) 1032 | | | |
| | (3) | 100 | 1 | (6) 905 | | | 49 | (4) 1037 | | | |
| | | 102 | 1 | (3) 917 | | | | | | | |
| | (4-5) | 102 | 1 | (4, 5) " | | | | | | | |
| | (6) | 100 | 1 | (7) 905 | | | | | | | |
| | (7) | 143 | 11 | (6b) 1315 | | 24 | 1 | | | | |
| | (8) | | | | Unnecessary | 2 | | 114 | 56 | 1055 | |
| | 4 | 100 | 4 | 905 | | | | | | | |
| | 5 | | 12 | 907 | | | 25 | 1 | 124 | 3 | (4) 1199 |
| | 6 | { | 100 | 5 | | 906 | | 2 | | 9 | 1201 |
| | | | 122 | 8 | | 1190 | | 3 | | 12 | (3) 1202 |
| | 7 | 102 | 2 | 917 | | | 4 | | 6 | (2) 1200 | |
| | 8 | | 3 | " | | | 5 | | 12 | (1) 1201 | |
| | 9 | | 4 | 918 | | | 6 | | 21 | 1206 | |
| 10 | 100 | 6 | 906 | | | 7 | | 22 | " | | |
| 11 | (1) | | 7 | " | | 26 | 1 | 135 | 7 | 1267 | |
| | (2) | | | | | 2 | | 8 | 1268 | | |
| 12 | (1-3) | 100 | 15 | 907 | | 3 | | | | Effete. | |
| | (4) | | | | { Not consoli- dated. | 27 | 1, 2 | 139 | 8 | 1285 | |
| 13 | (1 a, b) | 100 | 17 | (1 a, b) 908-9 | | 28 | 1 | 141 | 1 | 1294 | |
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| | (1 f) | 100 | 17 | (1 c) 909 | | 3 | | 3 | 1295 | | |
| | (2 b) | | | (2-5) 910 | | 4 | | 4 | " | | |
| | (6) | 102 | 7 | 919 | | 5 | | 5 | 1296 | | |
| 14 | (1) | | 6 | " | | 6 | | 6 | 1297 | | |
| | (2) | | 7 | " | | 7 | | 7 | " | | |
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| 16 | (1-8) | 143 | 11 | 1314-5 | | 10 | | 10 | " | | |
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| 17 | | 110 | 4 | 1000 | | | 12 | | 12 | " | |
| 18 | | 132 | 8 | 1253 | | 13 | | 13 | 1301 | | |
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| 22 | | 147 | 50 | 1357 | 29 | 1 | 143 | 9 | 1313 | | |
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| | | | | " | | | 26 | | 573 (1) | 1973 | | |
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| 35 | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 Sch. A. | 173 | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 | 1700 " 1701 " " " " " " 1702 " " " " 1703 " " " 1704 " " " 1705 " 1706 " " " 1707 " | Effete. | 19 | | | | | | Rep. 50 V. c. 29, s. 36. Part not con- solidated. Effete. |
| | | | | " | | | 20 | 184 | 566 (2) | 1966 | | |
| | | | | " | | | 21 | | (9) | 1967 | | |
| | | | | " | | | 22 | | (18-20) | 1969 | | |
| | | | | " | | | 23 | | 570 (3) | 1972 | | |
| | | | | " | | | 24 | | (1,2) | 1970-2 | | |
| | | | | " | | | 25 | | 571 (1) | 1972 | | |
| | | | | " | | | 26 | | 573 (1) | 1973 | | |
| | | | | " | | | 27 | | 575 | " | | |
| | | | | " | | | 28 | | 585 | 1976 | | |
| | | | | " | | | 29 | | 588 (1,3) | 1978 | | |
| | | | | " | | | 30 | | 590 | 1979 | | |
| | | | | " | | | 31 | | 592 | " | | |
| | | | | " | | | 32 | | 612 (4a) | 1986 | | |
| | | | | " | | | 33 | | 598 (2) | 1981 | | |
| | | | | " | | | 34 | | 633 (1,7) | 1998 | | |
| | | | | " | | | 35 | | 511 (3a) | 1940 | | |
| | | | | " | | | 36 | | 17 (4) | 1766 | | |
| | | | | " | | | 37 | | 493 | 1921 | | |
| | | | | " | | | 38 | | 489 (4,5) | 1911 | | |
| | | | | " | | | 39 | | 341 (2) | 1861 | | |
| | | | | " | | | 40 | | 616 | 1989 | | |
| | | | | " | | | 41 (1-3) | | 487 (1) | 1908 | | |
| | | | | " | | | (4) | | | | Effete. | |
| | | | | " | | | 42 | 184 | 488 | 1909 | | |
| | | | | " | | | 43 | | 284 | 1843 | | |
| | | | | " | | | 38 | 1 | 193 | 7 (12) | 2087 | |
| | | | | " | | | | 2 | | (18) | 2088 | |
| | | | | " | | | | 3 | | (28) | 2089 | |
| | | | | " | | | | 4 | | 21 | 2093 | |
| | | | | " | | | | 5 | | 42 (5) | 2103 | |
| | | | | " | | | | 6 | | 7 (24) | 2089 | |
| | | | | " | | | | 7 | | 52 | 2106 | |
| | | | | " | | | | 8 | | 53 | 2107 | |
| | | | | " | | | 9 | | 135 | 2129 | | |

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| 39 | 1 | 194 | 44 | 2179 | Effete. | 45 | 12 | 221 | 11 | 2375 | Effete. |
| | 2 | | | | | | 13 | | 12 | " | |
| | 3 | 194 | 42 (2) | 2179 | | | 14 | | 13 | 2376 | |
| | 4 | | 70 | 2188 | | | 15 | { 184 | 479 (1,2) | 1901 | |
| | 5 | | 85, 86 | 2193 | | | 16 | { 221 | 14 | 2376 | |
| | 6 | | 127 (2) | 2208 | | | 17 | | 15 | " | |
| | 7 | | 131 | 2209 | { Repealing clause. | | | | | | |
| | 8 | | 150 | 2215 | | | F ^r m A. | 221 | F ^r m A. | | |
| | 9 | | | | | | " B. | " B. | " B. | 2377 | |
| | 10 | 194 | 110 | 2200 | | 46 | 1 | 227 | 1 | 2467 | { Repealing clause. |
| | 11 | | 55 | 2184 | | | 2 | | | | |
| | 12 | | 56 | 2185 | | | 3 | 227 | 2 | 2467 | |
| | 13 | | 62 | 2187 | | | 4 | | 3 | " | |
| | 14 | | 23 | 2171 | | | 5 | | 4 | " | |
| | 15 | | 25 | 2172 | | | 6 | | 5 | " | |
| | 16 | | 83 | 2192 | | | 7 | | 6 | " | |
| | 17 | | 54 (3) | 2184 | | | 8 | | 7 | " | |
| | 18 | | 75 | 2190 | | | 9 | | 8 | 2468 | |
| | 19 | | 7 | 2163 | | | 10 | | 9 | " | |
| | 20 | | 99 | 2196 | | | 11 | | 10 | " | |
| | 21 | | 18 | 2169 | | | 12 | | 11 | " | |
| | 22-24 | | | | Effete. | | 13 | | 12 | " | |
| 40 | 1 | 198 | 1 (2) | 2233 | | | 14 | | 13 | " | |
| | 2 | | 3 | 2234 | | | 15 | | 14 | 2469 | |
| | | | | | | | 16 | | 15 | " | |
| 41 | 1 | 204 | 1 | 2258 | Effete. | | 17 | | 16 | " | |
| | 2 | | | | | | 18 | | 17 | " | |
| | | | | | | | 19 | | 18 | " | |
| 42 | 1 | | | | Short title. | | 20 | | 19 | " | |
| | 2 | 206 | 22 | 2265 | | | 21 | | 20 | " | |
| | 3 | | 23 | " | | | 22 | | 21 | 3470 | |
| | 4 | | 24 | " | | | 23 | | 22 | " | |
| | 5 | | 25 | " | | | 24 | | 23 | " | |
| | 6 | | 26 | 2266 | | | 25 | | 24 | " | |
| | 7 | | 27 | " | | | 26 | | 25 | " | |
| | 8 | | 28 | " | | | 27 | | 26 | 2471 | |
| | 9 | | 18 | 2264 | | | 28 | | 27 | " | |
| | 10 | | 19 | 2265 | | | 29 | | 28 | 2473 | |
| | Sch. | | Sch. C. | 2293 | | | 30 | | 29 | 2476 | |
| 43 | 1 | 206 | 5 | 2296 | | | | 31 | | 30 | " |
| | 2 | | 16 | 2300 | | | 32 | | 31 | 2477 | |
| | 3 | | 17 | " | | | 33 | | 32 | 2480 | |
| | 4 | | 15 | 2299 | | | 34 | | 33 | 2481 | |
| | 5 | | 7 (2) | 2297 | | | 35 | | 34 | " | |
| | | | | | | | 36 | | 35 | 2482 | |
| | | | | | | | 37 | | 36 | " | |
| 44 | 1 | 220 | 11 (5) | 2365 | | | 38 | | 37 | 2483 | |
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| | 3 | | 12 | 2366 | | | 40 | | 39 | " | |
| | 4 | | 17 | 2367 | | | 41 | | 40 | " | |
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| | 6 | | 4 | " | | | 47 | | 46 | " | |
| | 7 | | 5 | " | | | 48 | | 47 | " | |
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| | 9 | | 7 | 2375 | | | 50 | | 49 | 2485 | |
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| | 56 | | 55 | | | | | | { | Not consolidated. Printed p. lii, ante. | | | | | | | | | |
| | 57 | | 56 | 2488 | | 2 | | | | | | | | | | | | | |
| | 58 | | 57 | " | | | | | | { | Not consolidated. | | | | | | | | |
| | 59 | | 58 (1,2) | " | | | | | | | | | | | | | | | |
| | 60 | | 59 | 2490 | | | | | | { | Temporary. | | | | | | | | |
| | 61 | | 60 | 2491 | | 4 | 1 | | | | | | | | | | | | |
| | 62 | | 61 | " | | | | 2 | 23 | 2 (1) | 280 | | | | | | | | |
| | 63 | | 62 | " | | | | 3 | | (2) | 281 | | | | | | | | |
| | 64 | | 63 | " | | | | 4 | | 6 | " | | | | | | | | |
| | 65 | | 64 | " | | | | 5 | | 7 | 282 | | | | | | | | |
| | 66 | | 65 | " | | | | 5 | 1 | 30 | 1 | 326 | { | Repealing clause. | | | | | |
| | 67 | | 66 | 2492 | | 2 | 3 | | | | | | | | " | | | | |
| | 68 | | 67 | " | | 3 | | | | | | | | | | | | | |
| | 69 | | 68 | " | | | | 6 | 1 | 184 | 569 (2) | 1966 | { | Not consolidated. | | | | | |
| | 70 | | 69 | " | | | | | | | | | | | 2 | 38 | { | Sch. (5) | 396 |
| | 71 | | 70 | " | | | | | | | | | | | | | | | |
| | 72 | | 71 | 2493 | | 6 | 37 | 5 | 387 | | | | | | | | | | |
| | 73 | | 72 | " | | | | | | | | | | | | | | | |
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| | 75 | | 74 | " | | | | | | | | | | | 2 | (1) | 1 | (17,19) | 5 |
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| | 80 | | 79 | " | | | | | | | | | | 7 | | | | { | C. R. 902. |
| | 81 | | 80 | " | | | | 8 | | | | { | Repeals R. S. O. 1877, c. 91, s. 10. | | | | | | |
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| | 83 | | 82 | " | | | | 10 | 100 | 19 | 911 | | | | | | | | |
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| | 85 | | 84 | " | | | | 12 | 110 | 33 | 1007 | | | | | | | | |
| | 86 | | 85 | " | | | | | | | | 13 (1-3) | 160 | 26 | 1512 | | | | |
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| | 32 | 39 | 86 (1) | 422 | | | 4 | | 1 | 786 | | | | | | | | | | | | | | | | |
| | 33 | 110 | 10 | 1001 | | | 5 | { | 12 | 789 | | | | | | | | | | | | | | | | |
| | 34 | 50 | 58 | 533 | | | | | 17 | " | | | | | | | | | | | | | | | | |
| | 35 | 108 | 10 | 977 | | | | | 19 | 790 | | | | | | | | | | | | | | | | |
| | 36-38 | 102 | 17 | 922 | | | 6 | 82 | 8 | 826 | | | | | | | | | | | | | | | | |
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| | (3) | | | 35 | 7 | | 369 | | | | | | | | | 3 | 3 | " | | | | | | | | |
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| | (23) | | | 222 | 3 | | 2378 | | | | | | | | | | | | | | | 4 (1) | 136 | " | | |
| | (24) | | | | 4 | | " | | | | | | | | | | | | | | | (2-6) | 137 | 1126 | | |
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| | 23 | | 24 | " | | | | | | | | | | |
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| | 26 | | 27 | " | | | | | | | | | | |
| | 27 | | 28 | " | | | | | | | | | | |
| | 28 | | 29 | 1187 | | | | | | | | | | |
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| | 2 | | 13 | 1279 | | 4 | 4 | " | | | | | | |
| | 3 | | 14 | " | | 5 | 5 | " | | | | | | |
| | 4 | | 15 | 1280 | | 6 | 6 | " | | | | | | |
| | 5 | | 18 | " | | 7 | 7 | 1397 | | | | | | |
| | 6 | | 16 | " | | 8 | 8 | " | | | | | | |
| | 7 | | 17 | " | | 9 | 9 | " | | | | | | |
| | 8 | | 19 | 1281 | | 10 | 10 | " | | | | | | |
| | 9 | | 23 | " | | 11 | 11 | 1398 | | | | | | |
| | 10 | | | | | | 12 | 12 | " | | | | | |
| 22 | 1, 2 | 141 | 16 | 1303 | { Repealing clause. | 13 | 13 | 1399 | | | | | | |
| | | | | | | 14 | 14 | " | | | | | | |
| | | | | | | 15 | 15 | " | | | | | | |
| | | | | | | 16 | 16 | " | | | | | | |
| | | | | | | 17 | 17 | " | | | | | | |
| | | | | | | 18 | 18 | 1400 | | | | | | |
| | | | | | | 19 | 19 | " | | | | | | |
| | | | | | | 20 | 20 | " | | | | | | |
| | | | | | | 21 | 21 | " | | | | | | |
| | | | | | | 22 | 22 | 1401 | | | | | | |
| | | | | | | 23 | 23 | " | | | | | | |
| | | | | | | 24 | 24 | " | | | | | | |
| | | | | | | 25 | 25 | " | | | | | | |
| | | | | | | 26 | 26 | 1402 | | | | | | |
| | | | | | | 27 | 27 | " | | | | | | |
| | | | | | | 28 | 28 | " | | | | | | |
| | | | | | | 29 | 29 | " | | | | | | |
| | | | | | | 30 | 30 | 1403 | | | | | | |
| | | | | | | 31 | 31 | " | | | | | | |
| | | | | | | 32 | 32 | " | | | | | | |
| | | | | | | 33 | 33 | " | | | | | | |
| | | | | | | 34 | 34 | 1404 | | | | | | |
| | | | | | | 35 | 35 | " | | | | | | |
| | | | | | | 36 | 36 | " | | | | | | |
| | | | | | | 37 | 37 | " | | | | | | |
| | | | | | | 38 | 38 | " | | | | | | |

| 50 VICT. 1887. | | | | | 50 VICT. 1887. | | | | | | |
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| 25 | 39 | 152 | 39 | 1405 | | 26 | 30 | 167 | 30 | 1572 | |
| | 40 | | 40 | " | | | 31 | | 31 | " | |
| | 41 | | 41 | 1406 | | | 32 | | 32 | " | |
| | 42 | | 42 | " | | | 33 | | 33 | " | |
| | 43 | | 43 | " | | | 34 | | 34 | " | |
| | 44 | | 44 | " | | | 35 | | 35 | 1573 | |
| | 45 | | 45 | 1407 | | | 36 | | 36 | " | |
| | 46 | | 46 | " | | | 37 | | 37 | " | |
| | 47 | | 47 | " | | | 38 | | 38 | " | |
| | 48 | | 48 | " | | | 39 | | 39 | 1574 | |
| | 49 | | 49 | 1408 | | | 40 | | 40 | " | |
| | 50 | | 50 | " | | | 41 | | 41 | 1575 | |
| | 51 | | 51 | " | | | 42 | | 42 | 1576 | |
| | 52 | | 52 | " | | | 43 | | 43 | " | |
| | 53 | | 53 | 1409 | | | 44 | | 44 | " | |
| | 54 | | 54 | " | | | 45 | | 45 | " | |
| | 55 | | 55 | 1410 | | | 46 | | 46 | 1577 | |
| | 56 | | 56 | " | | | 47 | | 47 | " | |
| | 57 | | 57 | " | | | 48 | | 48 | " | |
| | 58 | | 58 | " | | | 49 | | 49 | 1578 | |
| | 59 | | 59 | 1411 | | | 50 | | 50 | " | |
| | 60 | | 60 | " | | | 51 | | 51 | 1579 | |
| | 61 | | 61 | 1412 | | | 52 | | 52 | " | |
| | 62 | | 62 | " | | | 53 | | 53 | " | |
| | 63 | | 63 | 1413 | | | 54 | | 54 | 1580 | |
| | 64 | | 64 | 1414 | | | 55 | | 55 | " | |
| | 65 | | 65 | " | | | 56 | | 56 | 1581 | |
| | 66 | | 66 | " | | | 57 | | 57 | " | |
| | 67 | | 67 | 1415 | | | 58 | | 58 | " | |
| | 68 | | 68 | " | | | 59 | | 59 | " | |
| | 69 | | 69 | 1416 | | | 60 | | 60 | " | |
| | 70 | | 70 | " | | | 61 | | 61 | 1582 | |
| | 71 | | 71 | " | | | 62 | | 62 | " | |
| | 72 | | 72 | " | | | 63 | | 63 | " | |
| 26 | 1 | 167 | 1 | 1564 | | 26 | 64 | | 64 | " | |
| | 2 | | 2 | " | | | 65 | | 65 | 1583 | |
| | 3 | | 3 | 1565 | | | 66 | | 66 | " | |
| | 4 | | 4 | " | | | 67 | | 67 | " | |
| | 5 | | 5 | 1566 | | | 68 | | 68 | " | |
| | 6 | | 6 | " | | | 69 | | 69 | " | |
| | 7 | | 7 | 1567 | | | 70 | | 70 | " | |
| | 8 | | 8 | " | | | 71 | | 71 | " | |
| | 9 | | 9 | " | | | 72 | | 72 | " | |
| | 10 | | 10 | " | | | 73 | | 73 | 1584 | |
| | 11 | | 11 | " | | | 74 | | 74 | " | |
| | 12 | | 12 | 1568 | | | 75 | | 75 | " | |
| | 13 | | 13 | " | | | 76 | | 76 | " | |
| | 14 | | 14 | " | | | 77 | | 77 | " | |
| | 15 | | 15 | " | | | 78 | | 78 | " | |
| | 16 | | 16 | " | | | 79 | | 79 | 1585 | |
| | 17 | | 17 | 1569 | | | 80 | | 80 | " | |
| | 18 | | 18 | " | | | 81 | | 81 | " | |
| | 19 | | 19 | " | | | 82 | | 82 | " | |
| | 20 | | 20 | " | | | 83 | | 83 | " | |
| | 21 | | 21 | 1570 | | | 84 | | 84 | " | |
| | 22 | | 22 | " | | | 85 | | 85 | " | |
| | 23 | | 23 | " | | | 86 | | 86 | " | |
| | 24 | | 24 | " | | | 87 | | 87 | 1586 | |
| | 25 | | 25 | " | | | 88 | | 88 | " | |
| | 26 | | 26 | " | | | 89 | | 89 | " | |
| | 27 | | 27 | 1571 | | | 90 | | 90 | " | |
| | 28 | | 28 | " | | | 91 | | 91 | " | |
| | 29 | | 29 | " | | | 92 | | 92 | 1587 | |
| | | | 93 | 93 | " | | | | | | |

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| 26 | 94 | 167 | 94 | 1587 | | 27 | 1 | 169 | 26 | 1614 | |
| | 95 | | 95 | " | | | 2 | | 22 | 1613 | |
| | 96 | | 96 | " | | | | | | | |
| | 97 | | 97 | " | | 28 | 1 | 170 | 10 (3) | 1640 | |
| | 98 | | 98 | " | | | | | | | |
| | 99 | | 99 | 1588 | | | | | | | |
| | 100 | | 100 | " | | 29 | 1 | | | | Short title. |
| | 101 | | 101 | " | | | 2 | 184 | 73 | 1783 | |
| | 102 | | 102 | " | | | 3 | | 81 | 1787 | |
| | 103 | | 103 | " | | | 4 | | 99 | 1791 | |
| | 104 | | 104 | 1589 | | | 5 | | 139 | 1803 | |
| | 105 | | 105 | " | | | 6 | | 140 (2) | 1804 | |
| | 106 | | 106 | 1590 | | | 7 | | 227 | 1829 | |
| | 107 | | 107 | " | | | 8, 9 | | | | Repealing clauses. |
| | 108 | | 108 | " | | | | | | | |
| | 109 | | 109 | " | | | | 184 | 258 | 1837 | |
| | 110 | | 110 | " | | | 10 | | 263 (2) | 1838 | |
| | 111 | | 111 | 1591 | | | 11 | | 252 | 1835 | |
| | 112 | | 112 | " | | | 12 | | 248 | 1833 | |
| | 113 | | 113 | " | | | 13 | | 248 | 1833 | |
| | 114 | | 114 | 1591-6 | | | 14 | | 248 | 1835 | |
| | 115 | | 115 | 1596 | | | | | 252 | 1833 | |
| | 116 | | 116 | " | | | 15 | | 248 | 1835 | |
| | 117 | | 117 | 1597 | | | | | 252 | 1835 | |
| | 118 | | 118 | " | | | 16 | | 367 (1) | 1868 | |
| | 119 | | 119 | " | | | | | 3 | 786 | |
| | 120 | | 120 | " | | | 17 | 72 | 25 | 791 | |
| | 121 | | 121 | 1598 | | | | | 30 | 792 | |
| | 122 | | 122 | " | | | 18 | 184 | 479 (1,2) | 1901 | |
| | 123 | | 123 | " | | | 19 | | (3-9) | " | |
| | 124 | | 124 | " | | | 20 | | (16) | 1904 | |
| | 125 | | 125 | " | | | 21 | | (22, 23) | 1905 | |
| | 126 | | 126 | 1599 | | | 22 | | 489 (1, b) | 1910 | |
| | 127 | | 127 | " | | | 23 | | (11, b, c) | 1913 | |
| | 128 | | 128 | " | | | 24 | | (25) | 1915 | |
| | 129 | | 129 | " | | | 25 | | (57, 58) | 1919 | |
| | 130 | | 130 | " | | | | | 496 (31, a-d) | 1930 | |
| | 131 | | 131 | 1600 | | | 26 | | | | Repealing clause. |
| | 132 | | 132 | " | | | 27 | | | | |
| | 133 | | 133 | " | | | | | | | |
| | 134 | | 134 | " | | | 28 | 184 | 496 (41) | 1931 | |
| | 135 | | 135 | " | | | | | (42) | " | |
| | 136 | | 136 | 1601 | | | 29 | | 503 (6) | 1936 | |
| | 137 | | 137 | 1602 | | | 30 | | 504 (1) | 1937 | |
| | 138 | | 138 | " | | | 31 | | 521 (15) | 1945 | |
| | 139 | | 139 | " | | | 32 | | 522 (2) | " | |
| | 140 | | 140 | " | | | 33 | | 531 (4) | 1948 | |
| | 141 | | 141 | " | | | 34 | | 532 | 1949 | |
| | 142 | | 142 | 1603 | | | 35 | | 534 | " | |
| | 143 | | 143 | " | | | 36 | | | | Repealing clause. |
| | 144 | | 144 | " | | | | | | | |
| | 145 | | 145 | " | | | 37 | 184 | 546 (5) | 1953 | |
| | 146 | | 146 | " | | | 38 | | 569 (10) | 1968 | |
| | 147 | | 147 | 1604 | | | 39 | | 585 | 1976 | |
| | 148 | | 148 | " | | | 40 | | 586 (1, 2) | 1977 | |
| | 149 | | 149 | " | | | 41 | | (3, 5) | " | |
| | 150 | | 150 | " | | | 42 | | | | Repealing clause. |
| | 151 | | 151 | 1605 | | | | | | | |
| | 152 | | 152 | " | | | 43 | 184 | 618 | 1989 | |
| | 153 | | 153 | " | | | 44 | | 622 (2) | 1992 | |
| | 154 | | 154 | " | | | 45 | | 629 (1) | 1996 | |
| | 155 | | 155 | " | | | 46 | | (4) | 1997 | |
| | Sched. | | Sched. | 1606 | | | | | | | |

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| 29 | 47 | 184 | 583 (3) | 1976 | | 34 | 7 | 205 | 4 | 2260 | | | | | |
| | | | 586 (4) | 1977 | | | 8 | | 5 | " | | | | | |
| | | | 341 (2) | 1861 | | | 9 | | 12 | 2263 | | | | | |
| | | | 489 (4,5) | 1911 | | | 10 | | 13 (9) | " | | | | | |
| | | | 493 | 1921 | | | 11 | | (12) | 2264 | | | | | |
| | | | 612 (1-4a) | 1985 | | | 12 | | 60 | 2272 | | | | | |
| | | | 613-615 | 1988 | | | | | | | | | | | |
| | | | 618 (1) | 1989 | | | 35 | | 1 | 208 | 2 (2) | 2306 | | | |
| | | | 620 | 1990 | | | | | 2 | | 6 (6) | 2308 | | | |
| | | | 622 (1) | 1992 | | | | | 3 | | 24 (3) | 2314 | | | |
| | | | 625 (1,2) | 1994 | | | | | 36 | | 1 | 209 | 1 | 2321 | |
| | | | 628 | 1996 | | | | | | | 2 | | 2 | " | |
| | | | 629 (1) | " | | | | | | | 3 | | 3 | " | |
| | | | 630 | 1997 | | | | | | | 4 | | 4 | " | |
| | 2 | 2067 | | 5 | 5 | 2322 | | | | | | | | | |
| | 37, 38 | 2077 | | 6 | 6 | " | | | | | | | | | |
| | 46 | 2080 | | 7 | 7 | " | | | | | | | | | |
| | 47 | 2081 | | 8 | 8 | " | | | | | | | | | |
| | 184 | 613 | 1988 | 9 | 9 | " | | | | | | | | | |
| | 521 (13) | 1944 | | 10 | 10 | 2323 | | | | | | | | | |
| | 48 | 2081 | | 11 | 11 | " | | | | | | | | | |
| | 49 | 2082 | | 12 | 12 | " | | | | | | | | | |
| | 50 | " | | 13 | 13 | " | | | | | | | | | |
| | 53 | 569 (21) | 1970 | 14 | Sched. | 209 | Sched. | 2324 | | Effete. | | | | | |
| | 54 | 185 | 17 | 2023 | | | | | | | | | | | |
| | 55 | | | | | | | | | | | | | | |
| | 30 | 1 | 185 | 1 (2) | 2020 | | 37 | 1 | 220 | 4 (3-9) | 2361 | | | | |
| | | 2 | | 31 | 2026 | | | 2 | | 5 | 2362 | | | | |
| | 31 | 1 | 190 | 13 (2) | 2056 | | 3 | 6 | " | | | | | | |
| | | | | | | 4 | 8 (1) | 2363 | | | | | | | |
| 32 | 1 | 193 | 7 (23) | 2088 | | 5 | (2) | 2364 | | | | | | | |
| | | | 38 | 2101 | | 6 | 9 (2) | 2364 | | | | | | | |
| | | | 53 | 2107 | | 7 | 13 | 2366 | | | | | | | |
| | | | 66 | 2112 | | 8 | 10 | 2364 | | | | | | | |
| | | | 68 (3) | " | | 9 | 18 | 2367 | | | | | | | |
| | | | 101 | 2123 | | 10 | 21 | 2368 | | | | | | | |
| | | | 170 (3) | 2138 | | 11 | 22 | " | | | | | | | |
| | | | | | | 12 | 23 | " | | | | | | | |
| | | | | | | 13 | 24 | 2369 | | | | | | | |
| | | | | | | 14 | 11 (3) | 2365 | | | | | | | |
| | | | | | | 15 | 28 | 2370 | | | | | | | |
| | | | | | | 16 | | | Effete. | | | | | | |
| | | | 33 | 1 | 194 | 152 (1) | 2215 | | 38 | 1 | 224 | 4 (17,18) | 2384 | | |
| | | | | | | 153 | 2216 | | | 39 | | 1 | 225 |  |  | Effete. |
| 148 (5) | 2214 | | | | | 2 | 22 | 2389 | | | | | | | |
| 152 (2) | 2216 | | | | | 3 | 23 | 2390 | | | | | | | |
| | | | | | | 4 | 27 (2) | " | | | | | | | |
| 194 | 120 | 2204 | | | | | 5 | 28 | | | | " | | | |
| 146 (2) | 2213 | | | | | 6 | 42 | 2396 | | | | | | | |
| | | | | | | 7 | 44 (2-4) | " | | | | | | | |
| | | | | | | 8 | 45 | 2397 | | | | | | | |
| | | | | | | 9 | 46 | " | | | | | | | |
| | | | | | | 10 | 47 | " | | | | | | | |
| | | | | | | 11 | 48 | " | | | | | | | |
| | | | | | | 12 | 67 | 2401 | | | | | | | |
| 34 | 1 | 205 | | | | 94 | 2280 | | | | | 14 (1,2) | | (3) | 225 |
| | 2 | | 55 | 2271 | | | | | | | | | | | |
| | 3 | | 109 | 2285 | | | | | | | | | | | |
| | 4 | | 54 | 2271 | | | | | | | | | | | |
| | 5 | | 65 | 2274 | | | | | | | | | | | |
| | 6 | | 9 | 2261 | | | | | | | | | | | |

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| 39 | 15 | 225 | 86 (6) | 2407 | | 43 | 14 | 230 | 14 | 2508 | | | | |
| | 16 | | 87 | 2408 | | | 15 | | 15 | " | | | | |
| | 17 | | 88 | " | | | 16 | | 16 | 2509 | | | | |
| | 18 | | 91 (1) | 2409 | | | 17 | | 17 | " | | | | |
| | 19 | | 94 | 2410 | | | 18 | | 18 | " | | | | |
| | 20 | | 97 | 2411 | | | 19 | | 19 | 2510 | | | | |
| | 21 | | 98 (7) | 2412 | | | 20 | | 20 | " | | | | |
| | 22 | | (8) | " | | | 21 | | 21 | " | | | | |
| | 23 | | 106 | 2415 | | | 22 | | 22 | " | | | | |
| | 24 | | 107 | " | | | 23 | | 23 | " | | | | |
| | 25 | | { | 113 | | | 2418 | | | 24 | | 24 | " | |
| | | | | (13, 14) | | | | | | 25 | | 25 | " | |
| | 26 | | { | (12) | | | 2417 | | 26 | 26 | | 2511 | | |
| | 27 | | | 123 | | | 2420 | | 27 | 27 | | " | | |
| | 28 | | { | 133 (2) | | | 2422 | | 28 | 28 | | " | | |
| | 29 | | | 153(11) | | | 2427 | | 29 | 29 | | " | | |
| | 30 | | { | 154 | | | " | | 30 | 30 | | " | | |
| | 31 | | | 190 (2) | | | 2435 | | 31 | 31 | | " | | |
| | 32 | | | 244 | | | 2444 | | 32 | 32 | | 2512 | | |
| | 33 | | | 246 | | | " | | 33 | 33 | | " | | |
| 40 | 1 | 226 | 10 (2,3) | 2453 | | 34 | 34 | " | | | | | | |
| | 2 | | 22 | 2455 | | 35 | 35 | " | | | | | | |
| | 3 | | 25 (8) | 2456 | | 36 | 36 | " | | | | | | |
| | 4 | | 33 | 2458 | | 37 | 37 | " | | | | | | |
| | 5 | | 35 (4) | 2460 | | 38 | 38 | 2513 | | | | | | |
| | 6 | | 36 | " | | 39 | 39 | " | | | | | | |
| | 7 | | 54 (1) | 2464 | | 40 | 40 | 2514 | | | | | | |
| | 8 | | 56 | " | | 41 | 41 | " | | | | | | |
| | 9 | | 60-62 | 2465-6 | | 42 | 42 | " | | | | | | |
| | | | | | | 43 | 43 | " | | | | | | |
| 41 | 1 | 227 | 58 (3-8) | 2489 | | 44 | 44 | " | | | | | | |
| | | | | | | 45 | 45 | " | | | | | | |
| 42 | 1 | 229 | 1 | 2500 | | 46 | 46 | " | | | | | | |
| | 2 | | 2 | " | | 47 | 47 | 2515 | | | | | | |
| | 3 | | 3 | " | | 48 | 48 | " | | | | | | |
| | 4 | | 4 | " | | 49 | 49 | " | | | | | | |
| | 5 | | 5 | " | | 50 | 50 | " | | | | | | |
| | 6 | | 6 | 2501 | | 51 | 51 | " | | | | | | |
| | 7 | | 7 | " | | 52 | 52 | " | | | | | | |
| | 8 | | 8 | " | | 53 | 53 | " | | | | | | |
| | 9 | | 9 | " | | 54 | 54 | 2516 | | | | | | |
| | 10 | | 10 | " | | 55 | 55 | " | | | | | | |
| | 11 | | 11 | " | | 56 | 56 | 2517 | | | | | | |
| | 12 | | 12 | 2502 | | 57 | 57 | " | | | | | | |
| | 13 | | 13 | " | | 58 | 58 | " | | | | | | |
| | 14 |  | ..... | ..... |  | 59 | 59 | " | | | | | | |
| 43 | 1 | 230 | 1 | 2503 | Effete. | | 60 | 60 | 2518 | | | | | |
| | 2 | | 2 | " | | | 61 | 61 | " | | | | | |
| | 3 | | 3 | 2504 | | | 62 | 62 | " | | | | | |
| | 4 | | 4 | " | | | 63 | 63 | " | | | | | |
| | 5 | | 5 | " | | | 64 | 64 | " | | | | | |
| | 6 | | 6 | 2505 | | | 65 | 65 | 2519 | | | | | |
| | 7 | | 7 | " | | | 66 | 66 | " | | | | | |
| | 8 | | 8 | " | | | 67 | 67 | " | | | | | |
| | 9 | | 9 | 2506 | | | 68 | 68 | " | | | | | |
| | 10 | | 10 | " | | | 69 | 69 | " | | | | | |
| | 11 | | 11 | 2507 | | | 70 | 70 | " | | | | | |
| | 12 | | 12 | 2508 | | | 71 | 71 | 2520 | | | | | |
| | 13 | | 13 | " | | | 72 | 72 | " | | | | | |
| | | | | | | | 73 | 73 | " | | | | | |
| | | | | | | | 74 | 74 | " | | | | | |
| | | | | | | | 75 | 75 | " | | | | | |
| | | | | | | | 76 | 76 | " | | | | | |
| | | | | | | | 77 | 77 | " | | | | | |

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| | 79 | | 79 | " | | | 12 | | 12 | " | |
| | 80 | | 80 | " | | | 13 | | 13 | " | |
| | 81 | | 81 | " | | | 14 | | 14 | 2527 | |
| | 82 | | 82 | " | | | 15 | | 15 | " | |
| | 83 | | 83 | 2522 | | | 16 | | 16 | " | |
| | 84 | | 84 | " | | | 17 | | 17 | 2528 | |
| | 85 | | 85 | " | | | 18 | | 18 | " | |
| | 86 | | 86 | " | | | 19 | | 19 | " | |
| | 87 | | 87 | " | | | 20 | | 20 | " | |
| | 88 | | 88 | " | | | 21 | | 21 | " | |
| | 89 | | 89 | 2523 | | | 22 | | 22 | " | |
| | Sched. | | Sched. | " | | | 23 | | 23 | 2529 | |
| 44 | 1 | 231 | 1 | 2524 | | 45 | 24 | 240 | 24 | " | |
| | 2 | | 2 | " | | | 25 | | 25 | " | |
| | 3 | | 3 | " | | | 26 | | 26 | " | |
| | 4 | | 4 | 2525 | | | 27 | | 27 | " | |
| | 5 | | 5 | " | | | 28 | | 28 | 2530 | |
| | 6 | | 6 | " | | | 29 | | 29 | " | |
| | 7 | | 7 | " | | | Sched. | | Sched. | " | |
| | 8 | | 8 | " | | | 1 | | 1 | 2649 | |
| | 9 | | 9 | " | | | 2 | | 2 | " | |
| | 10 | | 10 | 2526 | | | 3 | | 3 | " | |
| | | | | | | | 4 | | 4 | " | |

NOTE AS TO STATUTE REVISIONS IN THE PROVINCES OF UPPER CANADA, CANADA, AND ONTARIO.

The history of the Statute Law applicable to the territory now comprised in the Province of Ontario, dates from 1791.

After the Treaty of Paris, 1763, by which the French possessions in North America were ceded to Great Britain, a Royal Proclamation was issued on the 7th October, 1763, introducing the law of England, both civil and criminal, into the whole of the ceded territory, and forming a portion of it, lying towards the East, into the Province of Quebec. The Governor of the new colony received power and direction "so soon as the state and circumstances of the colony would admit thereof, to summon and call a General Assembly," but until this was done, the Governor and Council were invested with "authority to make such rules and regulations as should appear to be necessary for the peace, order and good government of the Province." In 1774, the Quebec Act, 14 Geo. iii. c. 83, was passed, by which French law was re-introduced in civil matters, and the limits of the Province of Quebec were enlarged, so as to include the whole of the territory afterwards formed into Upper Canada. The Quebec Act produced dissatisfaction, especially among the British colonists, and in 1791, the Imperial Act, 31 Geo. iii. c. 31, was passed, by which the Province of Quebec as it then existed, was divided into the two Provinces of Upper and Lower Canada; the powers of legislation by the Governor in Council were taken away; and a Legislature was granted to each Province, consisting of the Governor, a Legislative Council and a Legislative Assembly. The first Parliament of Upper Canada met at Newark, now Niagara, on 18th September, 1792.

1. The first revision of the Statutes in the new Province of Upper Canada was made in 1818. It consisted merely of a collection of the Acts of the Province of Upper Canada in force at that date, together with such Acts of the Imperial Parliament and Ordinances of the former Province of Quebec as affected Upper Canada.

2. In 1831, a collection of the Statutes of Upper Canada, in force at that date, was published by Messrs. Hugh C. Thomson and James Macfarlane, which, though a private enterprise, long supplied the place of a revision by authority.

3. In 1840 was passed the Imperial Act 3 & 4 V. c. 35, to re-unite the Provinces of Upper and Lower Canada; and the Union took effect by proclamation on the 10th February, 1841. A revision was soon after begun of the Statutes of Upper Canada in force at the date of the Union. A commission for the purpose, dated 25th July, 1840, was issued to the Hon. John Beverley Robinson, the Hon. James B. Macaulay, the Hon. William Henry Draper, and John Hillyard Cameron, Esq., and directed the Commissioners "diligently and carefully to examine and revise the several statutes from time to time passed and enacted by the Parliament of Upper Canada, and then in force and effect; and to make such report upon the premises as in their opinion should be most for the interest, welfare and good government of the Province."

The result of the labours of the Commission was embodied in two volumes, the first containing Public Acts, and the second, Local and Private Acts. The report to the Governor-General, in which the Commissioners announced the completion of the work, is dated 8th March, 1843, and was printed as a preface to the first volume.

In this, as in former revisions, no consolidation strictly speaking of the Statutes was attempted. The various Acts in force were printed as they had been passed, omitting only such portions as had expired or had been repealed, with notes stating the reasons for omissions, and giving the provisions, if any, which the Legislature had substituted for repealed clauses; errors in the text were left uncorrected, except by way of a note directing attention to them; and the revision did not receive authority by legislative adoption, but was nevertheless, by general use, practically substituted for the preceding volumes of Statutes.

4. A revision of the Acts and Ordinances in force in Lower Canada at the date of the Union of Upper and Lower Canada was begun in 1842, and completed in 1845, by a Commission composed of Messrs. A. Buchanan, H. Heney and G. W. Wicksteed. The Commissioners made two reports, which, as well as a prefatory notice, was printed with the volume of Revised Statutes compiled by them.

5. In 1856 was begun the first consolidation, properly so called, of the Statute Law.

Two commissions were then issued, one on the 7th February, 1856, appointing Messrs. John Hillyard Cameron, Joseph C. Morrison, Adam Wilson, Skeffington Connor, Oliver Mowat, and David B. Read, to examine, revise, consolidate and classify the Public General Statutes affecting Upper Canada only; and a second, dated 28th March, 1856, appointing Messrs. A. Polette, Gustavus W. Wicksteed, Andrew Stuart, T. J. J. Loranger, Robert Mackay, and George de Boucherville, to examine, revise, consolidate and classify the Public General Statutes applying exclusively to Lower Canada; and each Commission directed the Commissioners therein named, jointly with the members of the other Commission, to examine, revise, consolidate and classify the Public General Statutes which applied equally to both sections of the Province.

Subsequently the Messrs. Cameron and Morrison resigned, and in their stead respectively the Hon. J. B. Macaulay and S. H. Strong, Esq., were appointed. Afterwards Dr. Connor, and Mr. Mowat also resigned, preparatory to their becoming candidates for election as members of the Legislative Assembly. The Commissioners were in a later stage of the work, and especially during its final revision, assisted by His Honour Judge Gowan, County Court Judge of the County of Simcoe.

The first report of the Commission was made on the 19th April, 1858, and drafts of the Consolidated Statutes for Upper Canada and the Consolidated Statutes of Canada were in 1859 submitted to the Governor-General, accompanied respectively by a report, dated January, 1859, by Sir J. B. Macaulay, the chairman of the Upper Canada Commission, and a joint report dated 3rd March, 1859, by Sir J. B. Macaulay and Mr. Wicksteed, the acting Commissioner of the Commission for Lower Canada. (*See Sess. Papers*, 1859, No. 9.)

At the Session of 1859 these two volumes were laid before the Legislative Assembly, and Acts were passed to provide for their coming into force by proclamation.

Pursuant to the provisions of the last mentioned Acts, the enactments of the then Session were incorporated with the consolidation; and the two volumes were by Proclamation declared to come into force upon the 5th December, 1859.

On 1st July, 1867, by Proclamation issued under the Imperial Act, 30 & 31 V. c. 3, the Province of Canada was, with the Provinces of Nova Scotia and New Brunswick, formed into the present Dominion of Canada. By that Act known as "The British North America Act, 1867," the two divisions of the Province of Canada were once more constituted separate Provinces, Upper Canada being called the Province of Ontario, and Lower Canada the Province of Quebec, and the power of legislation was divided between the Parliament of the Dominion and the Legislatures of the Provinces in manner defined by the Act.

6. "The Revised Statutes of Ontario" were prepared by a Commission appointed 24th July, 1874, composed in the first instance of the late Hon. William Henry Draper, Chief Justice of Appeal, the Hon. Samuel Henry Strong, Hon. George William Burton, and Hon. Christopher Salmon Patterson, Justices of Appeal, the Hon. Attorney-General Mowat, and Messrs. Thomas Langton, Charles R. W. Biggar and Rupert Etherege Kingsford, Barristers-at-Law. The Hon. Thomas Moss upon his appointment as Justice of Appeal, the Hon. Samuel Hume Blake, Vice-Chancellor, and His Honour Judge Gowan, County Court Judge of the County of Simcoe, were subsequently added to the Commission.

The work of the Commission was three-fold:

First. To examine, revise, consolidate and classify such of the Public General Statutes, passed by the Parliament of the Province of Canada and applying to Ontario as were within the legislative authority of the Legislature of Ontario.

Secondly. To examine and arrange in the manner most convenient for reference such of the Public General Statutes passed by the Parliament of the Province of Canada and applying to Ontario as were not within the legislative authority of the Legislature of Ontario; and also the Statutes passed by the Parliament of the Dominion of Canada and affecting Ontario;

Thirdly. To examine and arrange in the manner most convenient for reference the Statutes of the Imperial Parliament, printed with the Consolidated Statutes of Canada in 1859, as well as all Statutes since passed by the Imperial Parliament.

This Commission made three reports, dated respectively 12th December, 1874, 11th December, 1875, and 30th December, 1876. The first report was accompanied by tables shewing the consolidation in outline. The second report announced the completion of the collection of Imperial Acts, and contained suggestions for legislation to remove discrepancies discovered in the course of the work, and otherwise to facilitate consolidation. Specimens of the work done were also submitted with this report. With the third report was submitted a draft of the Revised Statutes, which was laid before the Legislature at its Session in 1877.

A volume of 633 pages, being a portion of the collection of enactments of the Dominion of Canada, and of the Province of Canada which were not within the legislative authority of the Legislature of Ontario, was presented with the second report; but the completion of this portion of the work of the Commission was afterwards abandoned, in view of the preliminary steps which had been taken by the Dominion Government for a Consolidation of Statutes that would include the Acts of which the Ontario collection would have been composed.

The enactments of the Session of 1877, were, pursuant to the Ontario Act, 40 V. c. 6, incorporated in the Draft Consolidation above mentioned, by a commission appointed by the Lieutenant-Governor, composed of the following members: Hon. Chief Justice Draper, Hon. Mr. Justice Strong, Hon. Mr. Justice Burton, Hon. Mr. Justice Patterson, Hon. Mr. Justice Moss, Hon. Vice-Chancellor Blake, His Honour Judge Gowan, Hon. Attorney General Mowat, and Thomas Langton, Esq., Barrister-at-Law.

The completion of their work was reported by the Commissioners on the 20th November, 1877, to the Lieutenant-Governor, and the Revision being approved of by him, a proclamation was, on the 7th December, 1877, issued, declaring the Revised Statutes to be in force on, from, and after the 31st December, 1877.

7. "The Revised Statutes of Ontario, 1887," were prepared by a Commission, appointed the 11th day of December, 1885, composed, in the first instance, of the Hon. George William Burton, the Hon. Christopher Salmon Patterson and the Hon. Featherston Osler, Justices of the Court of Appeal; the Hon. John Alexander Boyd, Chancellor of Ontario; the Hon. John Edward Rose and the Hon. John O'Connor, Justices of the High Court of Justice; His Honour Joseph Easton McDougall, Judge of the County Court of the County of York; the Hon. Oliver Mowat, Attorney-General of Ontario; the Hon. Arthur Sturgis Hardy, Provincial Secretary; John Galloway Scott, Esquire, Master of Titles, and John Robison Cartwright and Frank John Joseph, Esquires, Barristers-at-Law. By a subsequent Commission, bearing date the 31st day of December, 1885, the Hon. Alexander Morris, Ex-Chief Justice of the Province of Manitoba, was added to the Commission. The Commissioners were appointed for consolidating the Public Statutes of the Province of Ontario, and were directed from time to time as they, or any three of them, might think proper, to report to His Honour the Lieutenant-Governor of Ontario, their proceedings and the progress of the work entrusted to them, and in all things, not in the Commission contained, to be guided by the instructions received from time to time from His Honour the Lieutenant Governor. The Commissioners made their first report in the month of March, 1887, accompanied with a draft of the Consolidated Statutes, and indicated the manner in which the work had been prepared. The enactments of the session of 1887 were pursuant to the Ontario Statute 50 Vict., c. 2, subsequently incorporated in this Draft Consolidation by the Commissioners.

The completion of the work was reported by the Commissioners to His Honour the Lieutenant-Governor, and the consolidation being approved of by him a proclamation was, on the twentieth day of December, 1887, issued, declaring "The Revised Statutes of Ontario 1887," to be in force on and after the 31st day of December, 1887.

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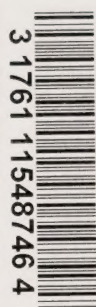
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